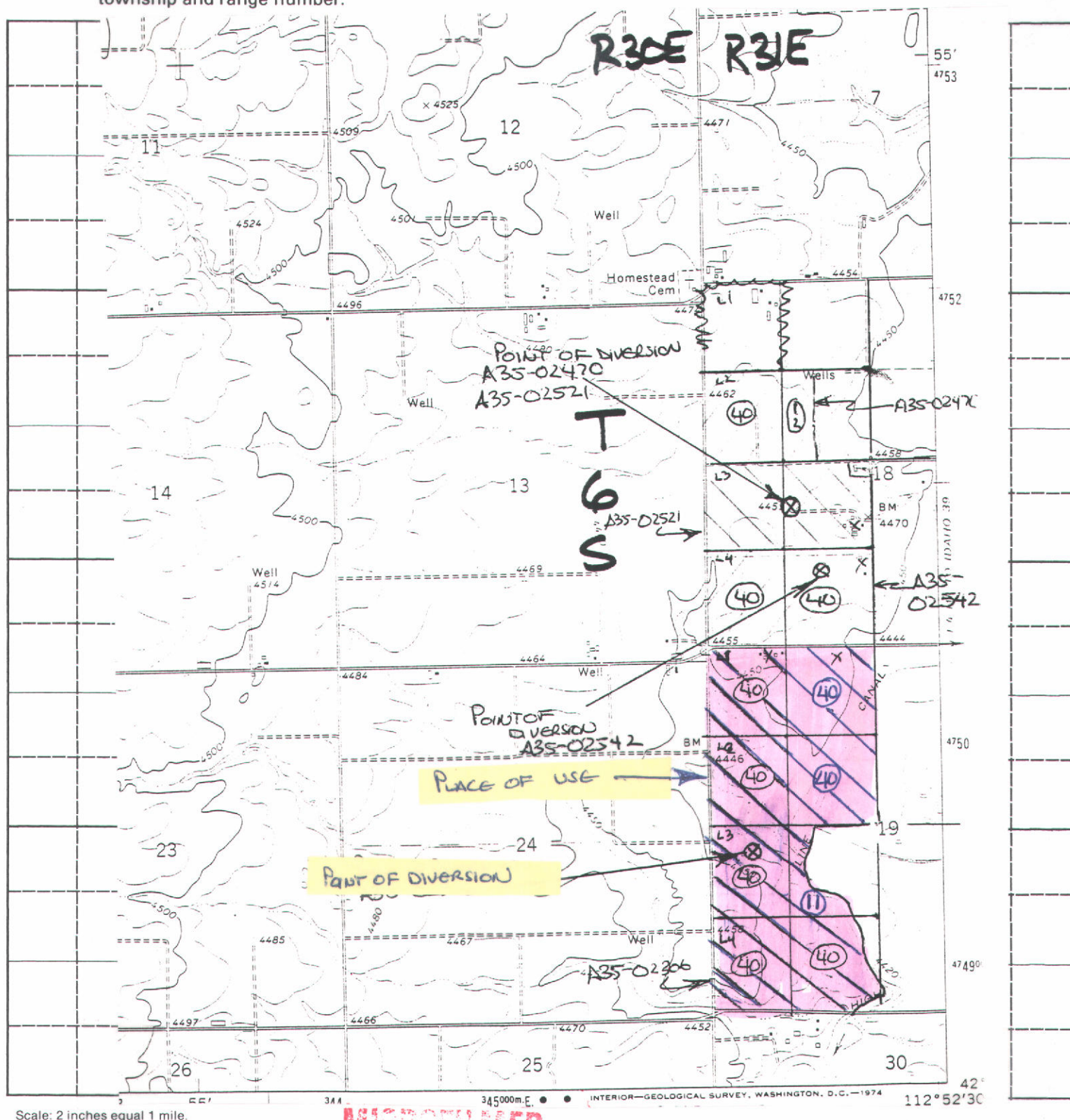


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

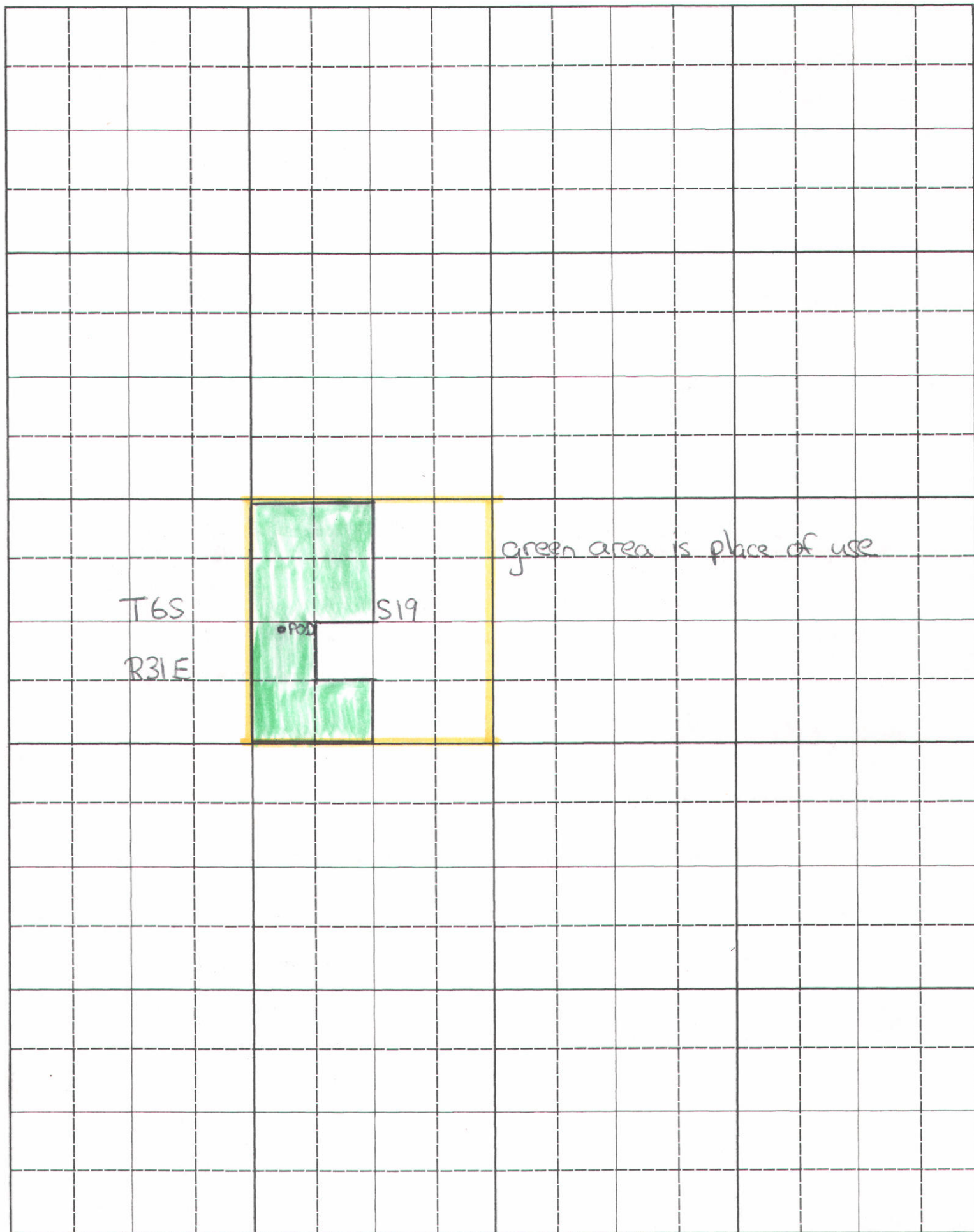


BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

FEB 14 1990

Raymond Hunt
(Applicant)

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

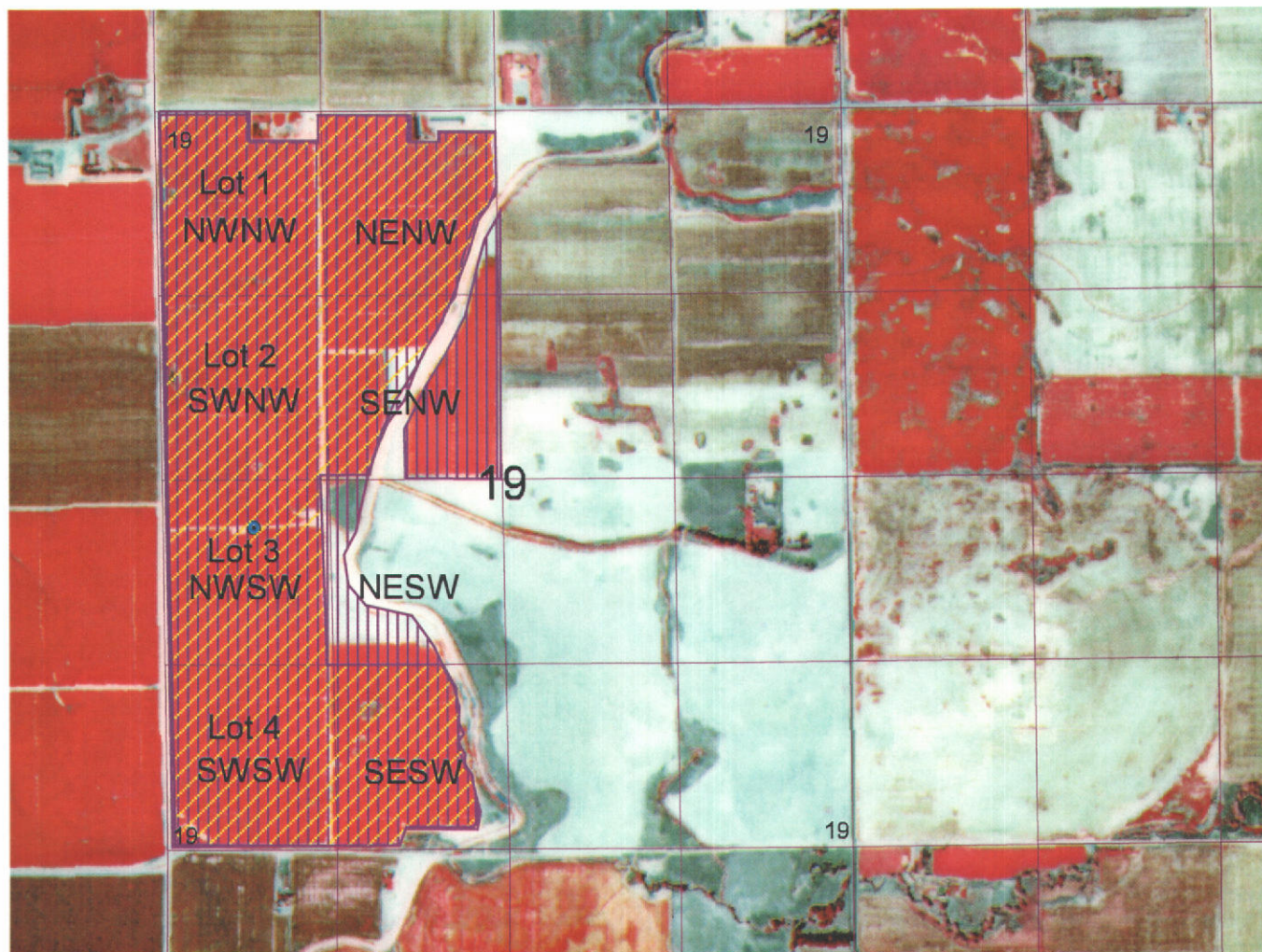
MICROFILMED

FEB 14 1990

Raymond L. Smith
(Applicant)

Right Holders: Raymond &/or Betty Funk

Right 35-08197



0 0.5 1 Miles



LEGEND

- Point of Diversion: Lot 3 (NWSW), S19, T6S, R31E



Place of Use (Right 35-02306)



Place of Use (Right 35-08197)

MICROFILMED

MAY 27 1999

Prepared by Sharla Curtis
IDWR
April, 1999
1987/1988 NAPP photography

1.
58.20

2.
58.20

5. 18
58.20 632.80

4.
58.20

N. 89° 51' E.

19.10 20 40 80.1

1.
58.54

2.
58.61

5. 19 20
58.59 635.00 640

4.
59.16

N. 89° 57' E.

19.65 20. 40 80.2

1.
59.26

2.
59.19

5. 30 29
59.11 636.60 640.

4.
59.04

N. 89° 56' E.

19.50 20 40 80.2

1.
59.12

MICROFILMED
MAY 27 1999



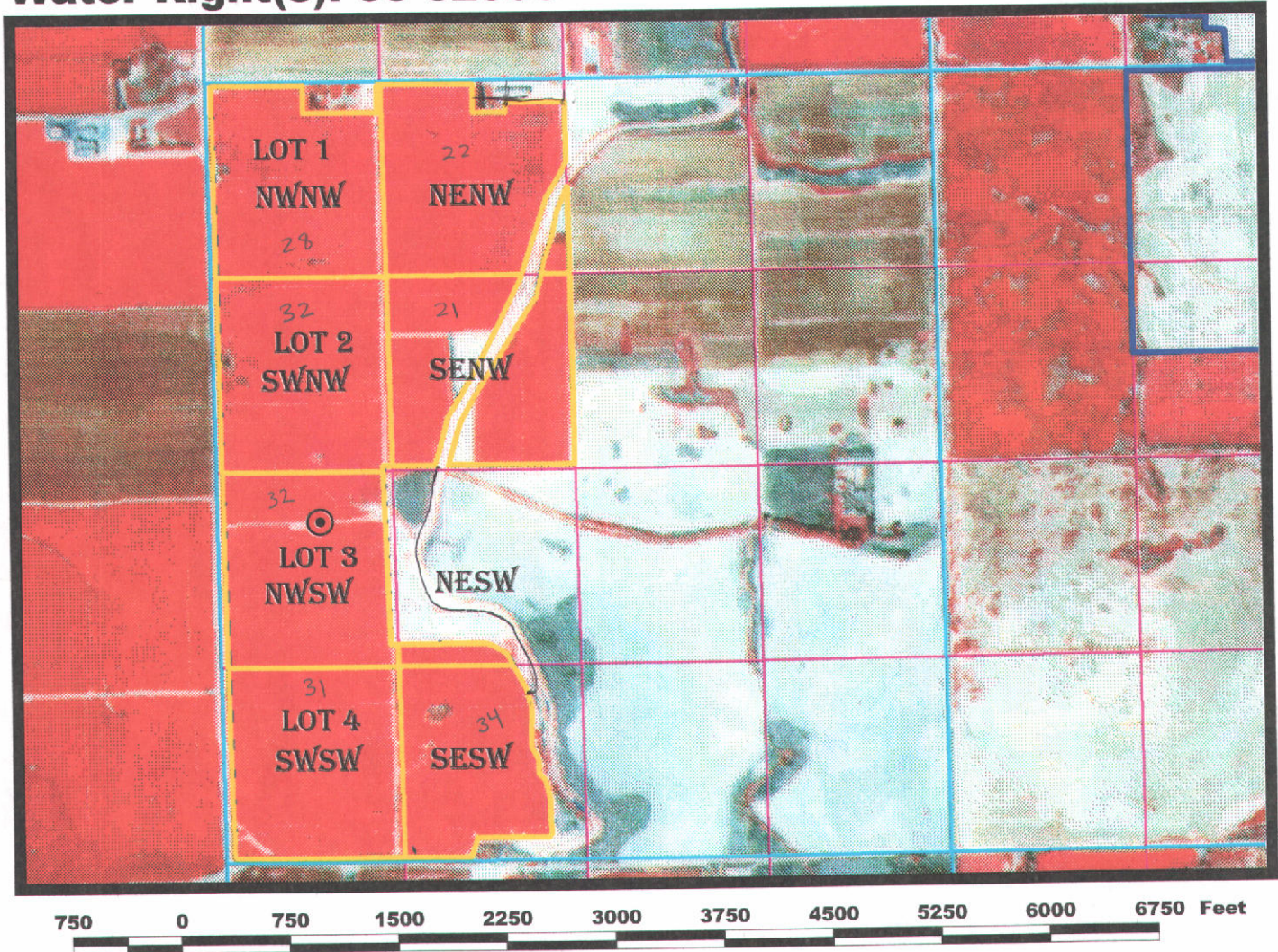
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Raymond Funk

Water Right(s): 35-02306



LEGEND



Point of Diversion



Place of Use



Section Line



Quarter-section line

**Legal Description: T.6S., R.31E.
Sec. 19 W2W2, (parts of) E2NW, E2SW**

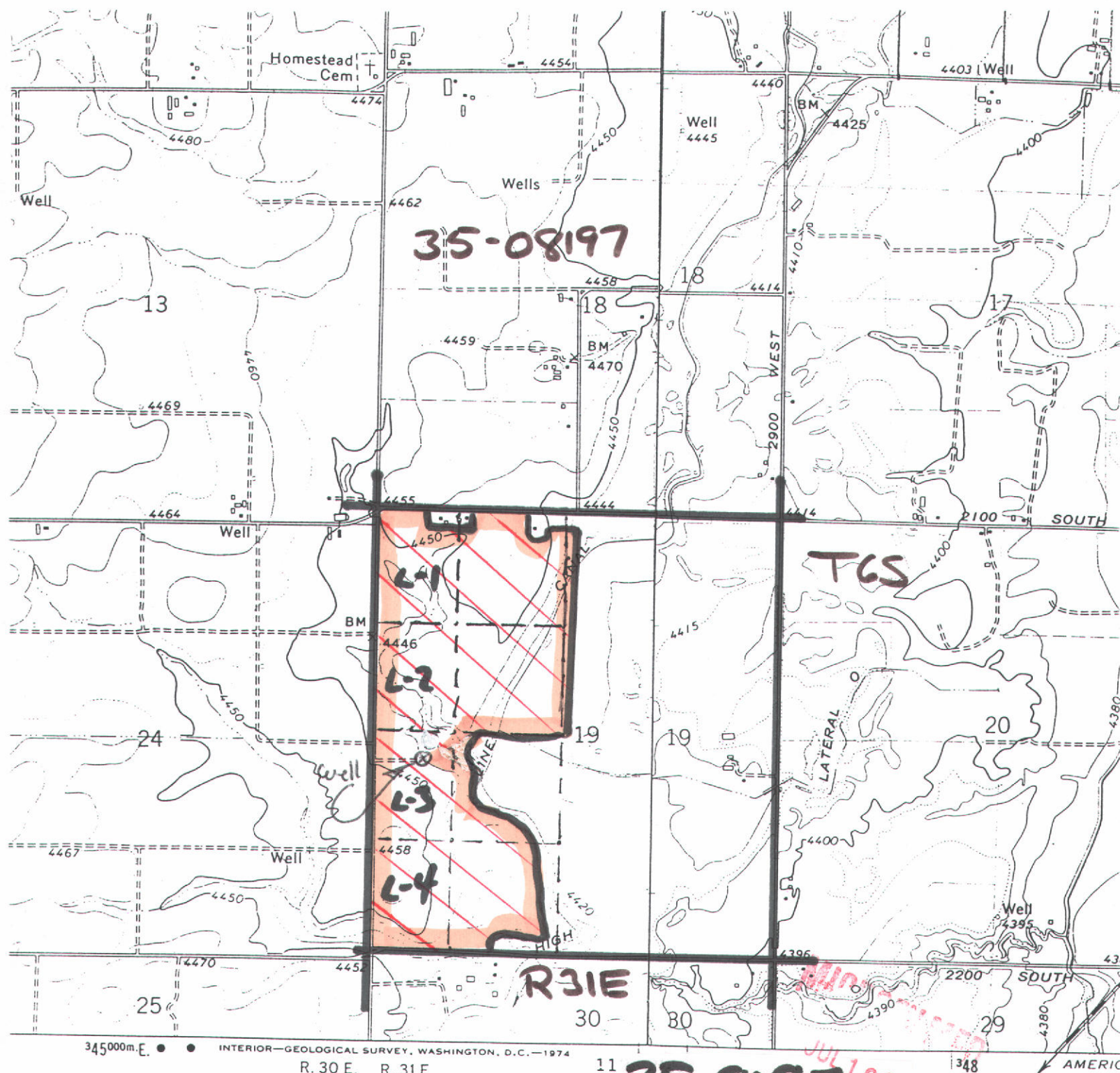
**Point(s) of Diversion: T.6S., R.31E.,
Sec. 19 NENWSW**

**Note: Non-Adjudication water right
35-08197 is also appurtenant to
same Place of Use.**



GIS Place of Use illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: October 1998

MAY 27 1999



345000m.E. • • INTERIOR—GEOLOGICAL SURVEY, WASHINGTON, D.C.—1974

R. 30 E. R. 31 E.

ROAD CLASSIFICATION

Primary highway, hard surface ————— Light-duty road, hard or improved surface —————

Secondary highway, hard surface ————— Unimproved road - - - - -

○ Interstate Route ○ U. S. Route ○ State Route

AMERICAN FALLS NW, IDAHO

NW/4 AMERICAN FALLS 15' QUADRANGLE

Control by USGS and USC&GS

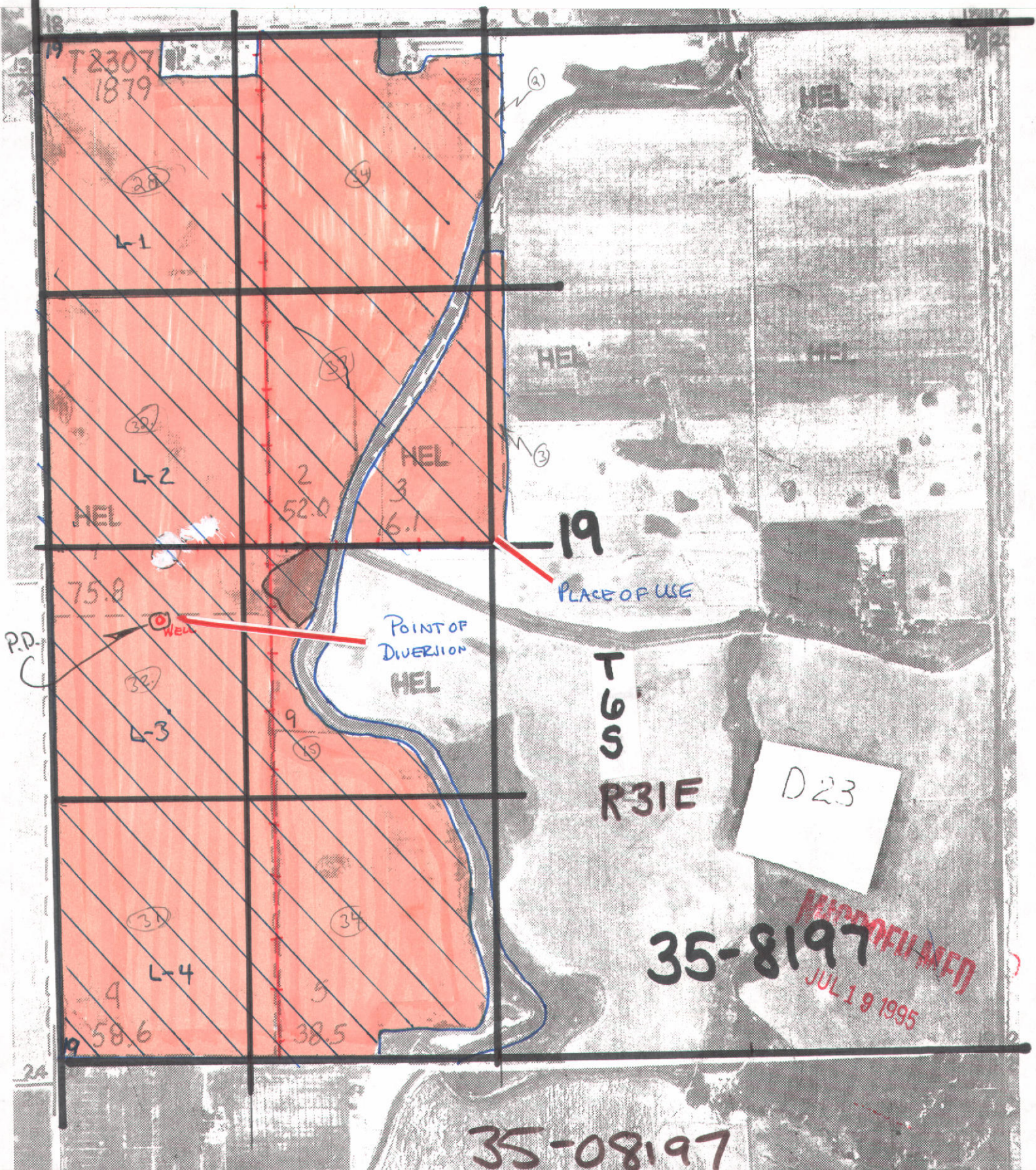
Topography by photogrammetric methods from aerial photographs taken 1969. Field checked 1971

Underwater contours by U. S. Bureau of Reclamation

Projection and 10,000-foot grid ticks: Idaho coordinate system, east zone (transverse Mercator)

1000-meter Universal Transverse Mercator grid ticks, zone 12, shown in blue. 1927 North American datum

Fine red dashed lines indicate selected fence lines



35-8197



35-8197

RECORDED
JUL 19 1995

State of Idaho License and Certificate of Water Right

Water License No. 0-23866

Water District No. _____

Amount 2.54 c.f.s.

Priority March 3, 1953

THIS IS TO CERTIFY that WILLARD P. RICHARD

of Aberdeen, Idaho

made application for a permit to appropriate the

public waters of the State of Idaho, dated March 3, 1953, that Permit No. 0-23866

was issued under said application; this Certificate of Completion of work, with a carrying capacity of 2.54 second feet, was issued thereunder on October 25, 1957, showing that said works

were completed on the 20th day of February, 1957, and that on the 20th day of February, 1957

of Aberdeen, State of Idaho
State Reclamation Engineer

WILLARD P. RICHARD
made proof to the satisfaction of the
of Idaho, of the right to use the waters of a well

a tributary of subterranean for the purpose of Irrigation and domestic use under Use Permit No. 0-23866 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 10 of Licenses at page 6163 on the 25 day of October, 1957

The right hereby confirmed dates from

March 3, 1953

The Point of Diversion is located

In the NW 1/4 SW 1/4 Sec. 19, Tp. 6 S., R. 31 E., B. M. County Bingham

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.54 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 S.	31 E.	19	NW 1/4 NW 1/4	40	40
			SW 1/4 NW 1/4	40	40
			NW 1/4 SW 1/4	40	40
			SW 1/4 SW 1/4	40	40
			SE 1/4 SW 1/4	40	40
Total number of acres irrigated				200	200

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 25th day of October, 1957

(SEAL)

/s/ Mark R. Kule
State Reclamation Engineer

RECORDED
FEB 14 1960



Form 23

Permit No.

This proof is for sample

1. Name of applicant

2. Source of water supply

3. Location of point of

1. 6 S. R.

4. Describe works as to

State water law

Motor U.S. 984107

5. Water is used for

6. State whether or not

7. List legal subdivision

of acres under cultivation (irrigation)

35 acres in M. in SE 1/4 all

(Submit map on a

8. What large stream water

Remarks: 1. Less than

Motor running hot

IDAHO

AMERICAN FALLS NW, IDAHO

Projection and 10,000-foot grid ticks: Idaho coordinate system, east zone (transverse Mercator)
1000-meter Universal Transverse Mercator grid ticks, zone 12, shown in blue. 1927 North American datum
Fine red dashed lines indicate selected fence lines

primary highway, hard surface —————
Secondary highway, hard surface —————
Unimproved road —————
Light-duty road, hard or improved surface —————
State Route —————
U. S. Route —————
Interstate Route —————

Mapped, edited, and published by the Geological Survey

ROAD CLASSIFICATION

R. 30 E. R. 31 E.

45000m.E. • • INTERIOR—GEOLOGICAL SURVEY, WASHINGTON, D.C.—1972



State of Idaho
Department of Water Resources

Water Right License

AMENDED

AMENDED

WATER RIGHT NO. 35-08197

Priority: May 11, 1989

Maximum Diversion Rate:

1.40 CFS

Maximum Diversion Volume:

192.0 AF

This is to certify, that BETTY FUNK
RAYMOND FUNK

2066 S 2950 W

ABERDEEN ID 83210

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 11, 1989; and has submitted Proof of Beneficial Use on December 10, 1990. An examination indicates that the works have a diversion capacity of 3.940 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.40 CFS	192.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 3 (NENWSW), Sec. 19, Township 06S, Range 31E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S 31E 19	NENW 36	Lot 1 (NWNW) 33	Lot 2 (SWNW) 36	
	SEnw 35	NESW 10	Lot 3 (NWSW) 35	
	Lot 4 (SWSW) 35	SESW 28		248

Total number of acres irrigated: 248

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
3. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

MICROFILMED

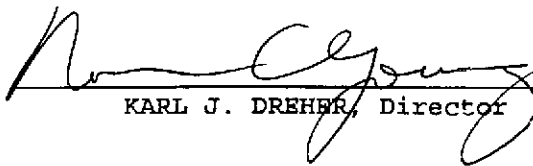
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-08197

CONDITIONS OF APPROVAL AND REMARKS

6. Rights 35-02306 and 35-08197 when combined shall not exceed the irrigation of 248 acres.
7. Right 35-02306 is also diverted through the point of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 21st day of MAY, 1999.


KARL J. DREHER, Director

MICROFILMED
MAY 27 1999

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08197

Priority: May 11, 1989

Maximum Diversion Rate: 1.40 CFS

Maximum Diversion Volume: 94.3 AF

This is to certify, that BETTY FUNK
RAYMOND FUNK

2066 S 2950 W

ABERDEEN ID 83210

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 11, 1989; and has submitted Proof of Beneficial Use on December 10, 1990. An examination indicates that the works have a diversion capacity of 3.940 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.40 CFS	594.3 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NENWSW), Sec. 19, Township 06S, Range 31E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	31E	19	NWNE 2	SWNE 3	NENW 34	
			Lot 1(NWNW) 28	Lot 2(SWNW) 32	SENE 37	
			NESW 15	Lot 3(NWSW) 32	Lot 4(SWSW) 31	
			SESW 34			248

Total number of acres irrigated: 248

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
6. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.

JUL 19 1995

SUPERSEDED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08197

CONDITIONS/REMARKS:

7. This right uses the same well as Right 35-02306 and when combined with Right 35-02306 is limited to a total combined diversion rate of 3.94 cfs, a total combined annual diversion volume of 996.0 af, and to the irrigation of a combined total of 248.0 acres in a single irrigation season.
8. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 7th day of July, 1995.

Acting for


KARL J. DREHER, Director

SUPERSEDED

JUL 19 1995

RECEIVED

JUN 30 1995

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 35-08197

Date of Priority: May 11, 1989

Maximum Diversion Rate: 1.40 CFS
Maximum Diversion Volume: 594.3 AF

Comes now

BETTY FUNK
RAYMOND FUNK

2066 S 2950 W
ABERDEEN ID 83210

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 35-08197, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.40 CFS	594.3 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NENWSW), Sec. 19, Township 06S, Range 31E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	31E	19	NWNE 2	SWNE 3	NENW 34	
			Lot 1(NWNW) 28	Lot 2(SWNW) 32	SENEW 37	
			NESW 15	Lot 3(NWSW) 32	Lot 4(SWSW) 31	
			SESW 34			248

Total number of acres irrigated: 248

AMENDED

JUL 19 1995

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at 2066 S 2950 W. Aberdeen, ID, this 28th day of June, 1995.

Betty Funk
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08197

FOR DEPARTMENT USE ONLY

Preliminary check by ____ Fee = 50.00 Received by JW # C033086 Date 6-30-95

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 35-08197 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
6. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
7. This right uses the same well as Right 35-02306 and when combined with Right 35-02306 is limited to a total combined diversion rate of 3.94 cfs, a total combined annual diversion volume of 996.0 af, and to the irrigation of a combined total of 248.0 acres in a single irrigation season.
8. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.

Witness my hand this 7TH day of July, 1995.

Norm C Young
Acting for KARL J. DREHER, Director

JUL 19 1995

RECEIVED
DEC 10 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only

Amt. of Fee \$ 175.00Date 2/10/91Receipt No. 6012076Received by J. [signature]

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1 Permit No. 35-08197 Telephone No. 208-397-45062 Name(s) of Permit Holder(s): Raymond Funk and Betty Funk3 Post Office Address: 2066 S. 2950 W., Aberdeen, ID 832104 Source of Water: Well - 18" Casing and 171' Deepa If ground water, well driller's name: Paul Vollmer Date drilled: Mar. 1953b Pump horsepower: 150 Pressure (psi): 100 lb. @ pump Dynamic pumping level (ft.): 71'

5 Extent of Use:

Domestic _____ (No. of households) Irrigation 291 (No. of acres)

Stockwater _____ (No. and type of stock) Other _____

6 Total rate and/or volume for which proof is submitted 3.06 cfs _____ acre/feet

7 Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes No Installed? Yes No

OR

Flow Measurement Port: Required? X Yes No Installed? X Yes No8 Fee Enclosed: \$ 175.00 (See License Examination Fee Schedule)

9 Person to contact to accompany the Department representative during the field examination:

Raymond Funk
Name208-397-4506
Telephone No2066 S. 2950 W., Aberdeen, ID 83210
Address10 The above information is my true statement of the extent to which the above numbered permit has been developed.
I relinquish any undeveloped portion of the permit to the state of Idaho**RECEIVED**December 7, 1990
DateRaymond Funk (Owner)
Signature (and title if on behalf of a company or organization)

JAN 20 1991

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 35-08197

Proposed Priority: May 11, 1989

Maximum Diversion Rate:

3.06 CFS

This is to certify, that **BETTY FUNK**
RAYMOND FUNK
2066 S. 2950 W.
ABERDEEN, ID 83210

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/15	3.06 CFS

LOCATION OF POINT(S) OF DIVERSION: NENWSW Sec. 19, Township 06S, Range 31E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S 31E 19	NENW 40	NWNW 40	SWNW 40	
	SENW 40	NESW 11	NWSW 40	
	SWSW 40	SESW 40		291

Total number of acres irrigated: 291

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1991**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed **3.06** cubic feet per second for each acre of land.

FEB 14 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08197

CONDITIONS/REMARKS:

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

8th day of January, 1990.

for R. Keith Higginson, Director

MICROFILM

FEB 6 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

AMENDED

To appropriate the public waters of the State of Idaho AMENDED

1. Name of applicant RAYMOND OR BETTY FUNK Phone 397-4506
Post office address 2066 S. 2950 W., ABERDEEN, ID. 83210
2. Source of water supply GROUND WATER which is a tributary of _____
3. Location of point of diversion is ~~65~~ NE 1/4 of ~~31E~~ NW 31E 1/4 of SW 1/4, Govt. Lot _____
Sec. 19 Township 6S Range 31E B M BINGHAM County; additional
points of diversion if any. _____
4. Water will be used for the following purposes
Amount 3.06 for IRRIGATION purposes from 4/1 to 10/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 3.06 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works
 - a. Description of ditches, flumes, pumps, headgates, etc PUMP ON EXISTING WELL WILL
RUN 14 LINES W/ 5/32" NOZZLES
 - b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet, total
reservoir capacity _____ acre-feet, period of year when water will be diverted to storage:
_____ to _____ inclusive
 - c. Proposed well diameter is 20 inches, proposed depth of well is 400 feet
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

RECORDED

FEB 14 1990

applicant to make this filing.

b Who owns the land to be irrigated or place of use?

APRIL 1945

From Sales we get/overlaps Price of US\$

10 Describe any other water rights used for the same purposes as described above.

35-~~23~~2306

Total number of acres to be irrigated

291

[illegible]

ponding place of use below. See instructions for standard symbols.

b If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding column.

a If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

9. Description of place of use:

e. Other; describe fully

d Domestic, show number of households.

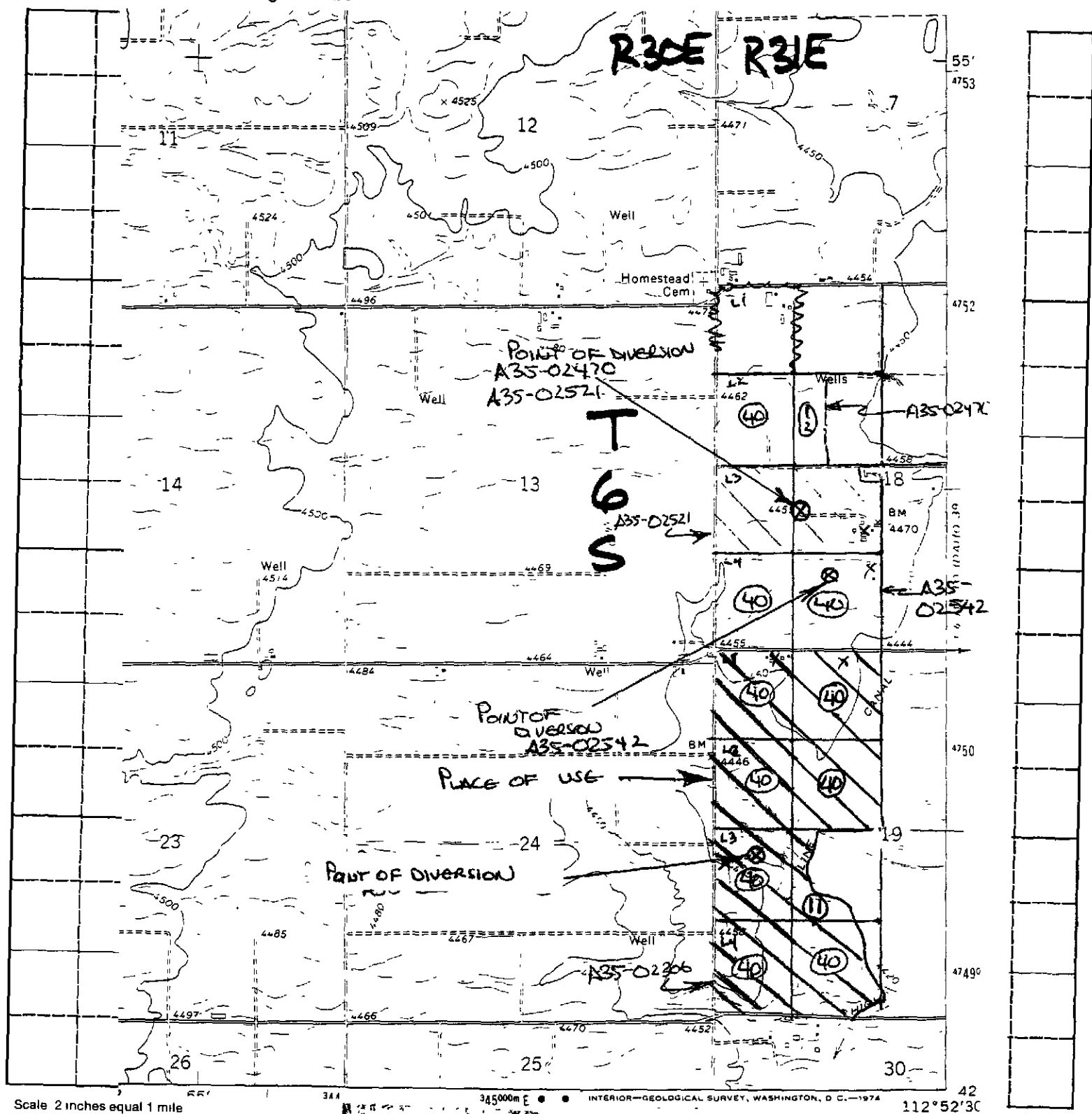
c Municipal, show name of municipality.

b. Stockwatering; list number and kind of livestock

a Hydropower, show total feet of head and proposed capacity in kW.

8. Description of proposed uses (if irrigation only, go to item 9):

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth

FEB 14 1980

Raymond G. Lusk
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

0010

To appropriate the public waters of the State of Idaho

1. Name of applicant Raymond Funk Phone 397-4506

Post office address Rt. #1, Aberdeen, Idaho 83210

2. Source of water supply ground water which is a tributary of _____

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 19 Township 6S

Range 31E B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes: *As per telecon w/Bob Jackson 7-8-83 SM

Amount 3.06 ^{cfs} for irrigation purposes from Apr 1 to *Nov. 1 ^{*Nov. 1} ~~Oct 15~~ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 3.06 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. pump on existing well
will run 14 lines with 5/32 nozzles

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 400 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is one year (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

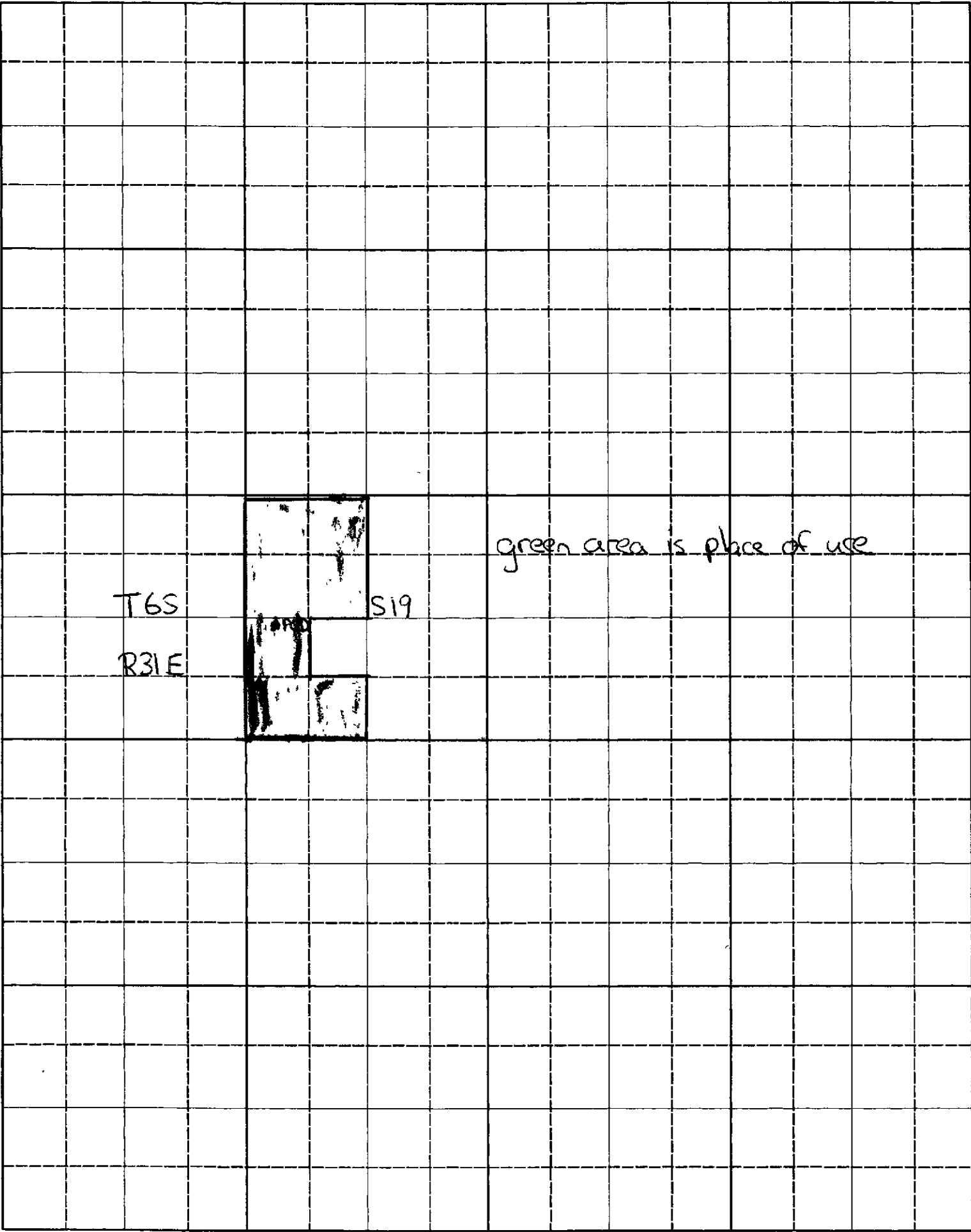
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

FEB 14 1980

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

RECEIVED

FEB 14 1990

Raymond J. Smith
(Applicant)

Received by BP Date 7/7/63 Time 4.00pm
 Preliminary check by _____ Fee \$ 105.00
 Received by BP Date 7/7/63 # 29297
 Publication prepared by _____ Date _____
 Published in _____
 Publication dates _____
 Publication approved _____ Date _____
 Protests filed by: _____

 Copies of protests forwarded by _____

 Hearing held by _____ Date _____
 Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.
 1. Approval of said application is subject to the following limitations and conditions:
 a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
 c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
 d. Other: _____

DEPT OF WATER RESOURCES
150 Shoup Ave , Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have been filed
to appropriate the public waters of the State of
Idaho

27-07464

CURTIS, Claude C.
646 N Highway 91
Firth, Idaho 83236
Source SLOUGH
Tributary SNAKE RIVER
Diversion Pt SESWNW, Sec 35, T 01S, R 36E
Use IRRIGATION (200 CFS)
Date Filed 6/27/1989.
In T01S, R36E, S35, SWNW
10 0 ACRES TOTAL

27-07477

SLAUGHTERBECK, Don
1555 N 800 E
Shelley, Idaho 83274
Source GROUNDWATER
Diversion Pt Lot 5 (NESW), Sec 16, T 01N, R 37E
Use IRRIGATION (040 CFS)
DOMESTIC (040 CFS)
Date Filed 6/16/1989
In T01N, R37E, S16, Lot 5 (NESW)
2 0 ACRES TOTAL

35-08177

POULSON, Duane
Rt 1, Box 14
Aberdeen, Idaho 83210
Source GROUNDWATER
Diversion Pt NENE, Sec 23, T 06S, R 30E, SENE, Sec 23, T 06S, R 30E.
Use IRRIGATION (820 CFS)
Date Filed 6/23/1983
In T06S, R30E, S23, NENE, NWNE, SWNE, SENE
160 0 ACRES TOTAL

35-08178

POULSON, Duane
Rt 1, Box 14
Aberdeen, Idaho 83210
Source GROUNDWATER
Diversion Pt SWSE, Sec 23, T 06S, R 30E, SESE, Sec 23, T 06S, R 30E
Use IRRIGATION (520 CFS)
Date Filed 6/23/1983
In T06S, R30E, S23, NESE, NWSE, SWSE, SESE
160 0 ACRES TOTAL

35-08181

SHRADER, Lark G
SHRADER, Maxine R
Rt 2, Box 305
Blackfoot, Idaho 83221
Source GROUNDWATER
Diversion Pt SWNE, Sec 2, T 03S, R 34E
Use IRRIGATION (320 CFS); DOMESTIC (040 CFS)
Date Filed 6/30/1983
In T03S, R34E, S02, SWNE
16 0 ACRES TOTAL

35-08182

SHRADER, Lark G
SHRADER, Maxine R
Rt 2, Box 305
Blackfoot, Id 83221
Source GROUNDWATER
Diversion Pt SWNE, Sec 2, T 03S, R 34E
Use IRRIGATION (400 CFS), DOMESTIC (040 CFS)
Date Filed 6/30/1983
In T03S, R34E, S02, SENW
20 0 ACRES TOTAL

35-08183

SNAKE RIVER SCHOOL DISTRICT
Rt 2, Box 249
Blackfoot, Id 83221
Source GROUNDWATER
Diversion Pt NENE, Sec 2 T 03S R 34E
Use IRRIGATION (160 CFS), DOMESTIC (050 CFS)
Date Filed 7/18/1983.
In T03S, R34E, S02, NENE.
8 0 ACRES TOTAL.

35-08184

SNAKE RIVER SCHOOL DISTRICT
Rt 2, Box 249
Blackfoot, Id 83221
Source GROUNDWATER
Diversion Pt SESE, Sec 33, T 02S, R 34E
Use IRRIGATION (800 CFS), DOMESTIC (100 CFS)
Date Filed 7/18/1983
In T02S, R34E, S33, NESE, SWSE
16 0 ACRES TOTAL

35-08191

LIM, Gale
Rt. 2, Box 313
Blackfoot, Id. 83221
Source GROUNDWATER
Diversion Pt NESE, Sec 16, T 03S, R 34E
Use IRRIGATION (800 CFS)
Date Filed: 5/25/1983
In T03S, R34E, S16, NESE
40 0 ACRES TOTAL

35-08192

CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS
Northwest Stake Center
50 E North Temple St
Salt Lake City, Utah 84150
Source GROUNDWATER
Diversion Pt SWSW, Sec 27, T 02S, R 34E
Use IRRIGATION (340 CFS), DOMESTIC (040 CFS)
Date Filed 7/19/1983
In T02S, R34E, S27, SWSW, S34, NWNW
17 0 ACRES TOTAL

35-08197

FUNK, Betty
FUNK, Raymond
2066 S. 2950 W
Aberdeen, Idaho 83210
Source GROUNDWATER
Diversion Pt NENWSW Sec 19, T 06S, R 31E
Use IRRIGATION (3 060 CFS)
Date Filed 7/07/1983
In T06S, R31E, S19, NENW, NWNW, SWNW, SENW, NESW, NWSW, SWSW, SESW
291 0 ACRES TOTAL

AFFIDAVIT of PUBLICATION

County of Bingham)
State of Idaho) ss
I, Michael Bell do
solemnly

swear that I am the Publisher of
The Morning News which is a daily newspaper of
general circulation published each day except Sunday
at Blackfoot, Bingham County, Idaho, said newspaper
having been so published at Blackfoot, aforesaid for
more than one year past; that said newspaper
heretofore complied with all the provisions of Chapter
154 of the Sessions Laws of Idaho of 1933, approved
March 11, 1933, and duly designated, pursuant to law,
a particular day of the week as the day on which legal
notices required by law or by the order of any Court of
competent jurisdiction within the State of
Idaho shall be published to-wit: of each week; that the
notice attached hereto and which is a part of this af-
fidavit and part of the proof of publication was
published in said issue or said

newspaper two consecutive weeks

the first publication having been made on the

17th day of August, 1989;

and the last publication having been made on the
24th day of August, 1989;
that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement

On this 29th day of August, in
the year 19 89 before me a Notary Public of said State,
personally appeared

Michael Bell
known or identified to me to be the person whose
name is subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he ex-
ecuted the same

Raye R. Rye
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
November 10, 1994

Affidavit Processing fee. \$5 00

35-08201

WINBERG, Richard
WINBERG, Myrna
Box 28
Aberdeen, Idaho 83210
Source GROUNDWATER
Diversion Pt SENE, Sec 26, T. 04S, R
31E.
Use IRRIGATION (1 600 CFS)
Date Filed 6/29/1983
In: T04S, R31E, S26, SWNE, SENE
80 0 ACRES TOTAL.

35-08205

McIVER, DUANE
P O Box 163
Moreland, Id 83256
Source GROUNDWATER
Diversion Pt NWNW, Sec 26, T 02S, R
34E
Use IRRIGATION (100 CFS),
STOCKWATER (020 CFS)
Date Filed 6/28/1983
In T02S, R34E, S26, NWNW
5 0 ACRES TOTAL

35-08206

WOOD, Owen M
Rt. 5, Box 85
Blackfoot, Id 83221
Source GROUNDWATER
Diversion Pt SESE, Sec 35, T 02S, R
33E
Use IRRIGATION (120 CFS)
Date Filed 6/27/1983
In T02S, R33E, S35, SESE
6 0 ACRES TOTAL

35-08220

WELLS, Delos
Box 184
Moreland, Id. 83256
Source GROUNDWATER
Diversion Pt NWNW, Sec 26, T 02S, R
34E.
Use IRRIGATION (200 CFS), DOMESTIC
(040 CFS).
Date Filed 8/04/1983
In T02S, R34E, S26, NWNW
10 0 ACRES TOTAL

35-08227

BOHRER, Herbert A.
BOHRER, Linda C
Box 82
Springfield, Id 83277
Source GROUNDWATER
Diversion Pt NWNE, Sec 23, T. 04S, R.
32E
Use IRRIGATION (2 340 CFS)
Date Filed 11/16/1983
In T04S, R32E, S23, NENE, NWNE, SENE
117 0 ACRES TOTAL

35-08330

POULSON, Jack
Rt 1, Box 251
Aberdeen, Id 83210
Source GROUNDWATER
Diversion Pt NWNE, Sec 11, T 05S, R
31E
Use IRRIGATION (1.600 CFS)
Date Filed 11/21/1983.
In: T05S, R31E, S11, NENE, NWNE.
80 0 ACRES TOTAL

35-08334

WATT, Gail
Rt 1, Box 80
Pingree, Id 83262
Source GROUNDWATER
Diversion Pt NWNW, Sec. 14, T 03S, R
32E
Use IRRIGATION (1 320 CFS).
Date Filed: 6/22/1983.
In: T03S, R32E, S14, NENW, NWNW,
SWNW, SENW
160 0 ACRES TOTAL

35-08338

RUFF, Sherman
RUFF, Betty
Box 67
Aberdeen, Id 83210
Source GROUNDWATER
Diversion Pt Lot 1 (NENE), Sec 24, T.
06S, R 30E.
Use IRRIGATION (1 200 CFS)
Date Filed: 1/27/1984.
In: T06S, R30E, S24, Lot 1 (NENE), NWNE
87 0 ACRES TOTAL.

35-08355

JOHNSON, Russell
JOHNSON, Mary Ann
JOHNSON, Stuart
Rt 5, Box 300
Blackfoot, Id 83221
Source GROUNDWATER
Diversion Pt SESW, Sec 5, T 03S, R
34E
Use IRRIGATION (300 CFS), DOMESTIC
(060 CFS).
Date Filed 6/11/1985
In T03S, R34E, S05, SESW
15 0 ACRES TOTAL.

35-08792

VAN ORDEN, Garth
425 S 1100 W
Pingree, Id 83262
Source GROUNDWATER
Diversion Pt NESENE, Sec 30, T 03S, R
34E.
Use IRRIGATION (100 CFS)
Date Filed 6/07/1989
In: T03S, R34E, S30, SENE
3.5 ACRES TOTAL

35-08793

EDWARDS, Samuel
EDWARDS, LaDonna
380 N University
Blackfoot, Id 83221
Source GROUNDWATER
Diversion Pt SESE, Sec. 30, T 02S, R
35E
Use DOMESTIC (.150 CFS)
Date Filed 6/13/1989.
In: T02S, R35E, S30, SESE.

35-08795

VALLEY BANK
C/O Ed Woolstenhume
501 Broadway, 2nd Floor
Idaho Falls, Id 83402
Source GROUNDWATER
Diversion Pt SWSWSW, Sec. 1, T 04S, R
32E
Use IRRIGATION (1 600 CFS)
Date Filed 6/12/1989
In: T04S, R32E, S01, SWSW, SESW.
80 0 ACRES TOTAL.

The permit(s) will be subject to all prior
water rights. Protests may be submitted bas-
ed on the criteria of Sec 42-203A, Idaho
Code, and/or the new public interest criteria
of Sec 42-203C, Idaho Code. Protests must
be filed with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15, Idaho
Falls, Idaho, 83402, on or before SEPTEMBER
4, 1989

R KEITH HIGGINSON
Director

(492)
Pub 8/17, 24

FILED

SEP 1 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 24, 1999

RAYMOND D AND BETTY FUNK

2066 S 2950 W

ABERDEEN ID 83210

RE: Water Right No. 35-08197

Dear Mr. and Mrs Funk:

I have enclosed a copy of Water Right License 35-08197, which was amended on May 21, 1999. The license was amended to correct the place of use description by dropping the references to the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 6 South, Range 31 East, B. M. The total number of irrigated acres authorized by the license has not changed. The maximum diversion volume on the amended license has been reduced to account for the fact that water right 35-02306, which is diverted from the same well and used on the same land, accounts for up to 800 acre feet per year. The total diversion volume authorized under the two rights in combination is still 40 acre feet per acre.

The amended license, which supersedes the license issued July 7, 1995, is an a preliminary order issued by the Department of Water Resources pursuant to Section 67-5243, *Idaho Code*. **The preliminary order can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described in the enclosed information sheet.**

If you have questions, please contact me at (208) 327-7946

Sincerely,

Shelley W. Keen

Water Rights Supervisor

Enclosure

cc: Norman Semanko of Rosholt, Robertson, & Tucker
Fehringer Horsch Farms Limited Partnership

MICROFILMED

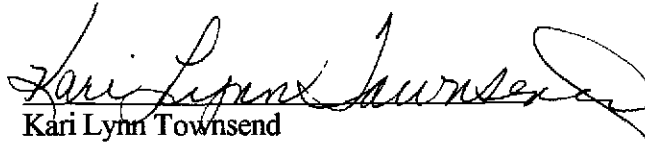
MAY 27 1999

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of May, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Amended License)** to the person(s) listed below:

Water Right No. 35-08197

**RAYMON D AND BETTY FUNK
2066 S 2950 W
ABERDEEN ID 83210**


Kari Lynn Townsend
Secretary

MICROFILMED

MAY 27 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

MAY 27 1999

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

DATE: May 20, 1999

TO: Water Right File 35-08197

FROM: Shelley W. Keen *SWK*

RE: License 35-08197

In 1990 we issued a permit to Ray Funk for the irrigation of the west half of S19, T6S, R31E. The examiner reported in 1991 that Mr. Funk was irrigating 248 acres, including five acres in the NE¼ of S19. Mr. Funk applied to amend the permit, and we issued a license in 1995 with the land in the NE¼ included. This year the Adjudication Bureau prepared a GIS layout (map) for an overlapping right. The layout suggests that the field examiner's interpretation was incorrect and that Mr. Funk was not irrigating any land in the NE¼. Mr. Funk recently submitted to me a grant deed showing that he does not own any of the NE¼. Mr. Funk would like us to reissue the license so that all 248 acres are shown to be on land he owns.

If we change the license, we may be taking real property from the owner of the NE¼. Therefore, we need to provide adequate opportunity for due process by sending the owner of the NE¼ a copy of the preliminary order amending the license

MICROFILMED

MAY 27 1999

Bingham County Assessor
Lobby

S 19 T 06 S R 31 E

NWNE / SWNE

FEHRINGER HORSCH Farms

Ltd Partnership

2855 W 2100 S

Abbeville 83210

MICROFILMED

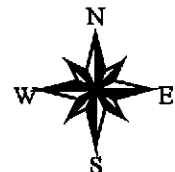
MAY 27 1999

Right Holders: Raymond &/or Betty Funk

Right 35-08197

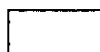


0 0.5 1 Miles



LEGEND

- Point of Diversion: Lot 3 (NWSW), S19, T6S, R31E

 Place of Use (Right 35-02306)

 Place of Use (Right 35-08197)

MICROFILMED

MAY 27 1999

Prepared by Sharla Curtis
IDWR
April, 1999
1987/1988 NAPP photography

1.
58.20

2.
58.20

3.
58.20 18
632.80

4.
58.20

N. 89° 51' E.

19.10 20 40 80.1

1.
58.51

2.
58.61

3.
58.89 19
635.00

4.
59.16

N. 89° 17' E.

19.65 20. 40 80.1

1.
59.26

2.
59.19

3.
59.11 30
636.60

1.
59.01

N. 89° 36' E.

19.50 20 40 80.1

1.
59.12

MICROFILMED

MAY 27 1999

SECTION 19, T.6 S. R.31 E.
BINGHAM COUNTY, IDAHO

SURVEYORS CERTIFICATE

I, Kim H. Leavitt, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of the survey completed under my supervision.

Kim H. Leavitt License No. 4563 Date 11-20-86

RECORDERS CERTIFICATE

Instrument No.
Time of Day
Date
Recorded in Bingham County, Idaho

County Recorder

LEGEND

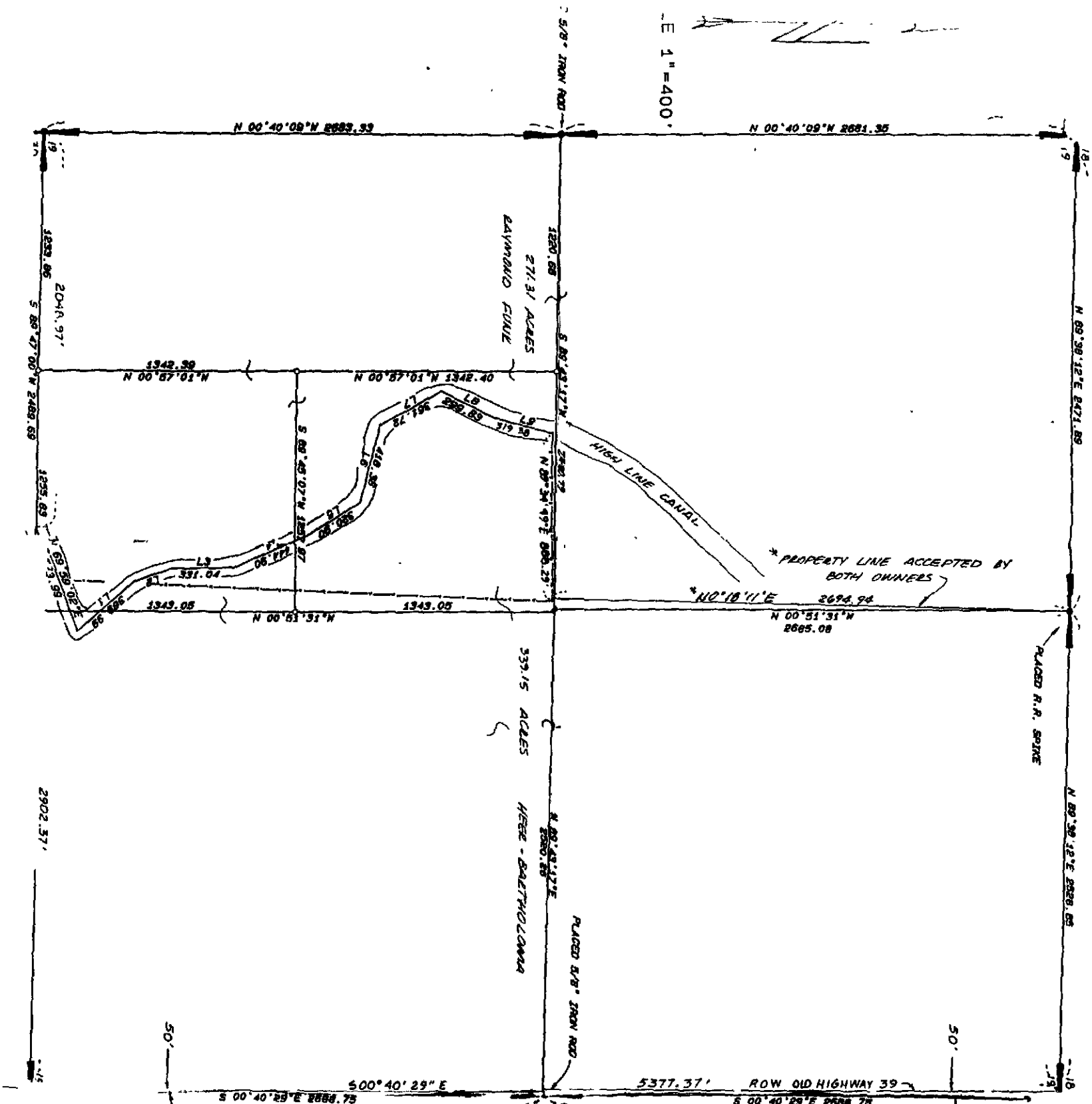
Section control corners

Placed 1/2" iron rod with cap
marked R.L.S. 4563

Old Fence Remnant

REVISED 11-20-86

LINE	BEARING	DISTANCE
1	N 41° 47' 25" W	300.85
2	N 80° 17' 25" W	203.85
3	N 01° 42' 21" W	331.04
4	N 84° 23' 18" W	444.00
5	N 83° 45' 18" W	350.90



First Financial Resources

MULTIPLE FINANCIAL SERVICES

LEO HEER — AGENT

575 West Main

Rexburg, Idaho 83440

Rexburg Office (208) 356-4334 — Idaho Falls Office (208) 529-2654

BARTHOLOMA-HEER - RAY FUNK LAND TRANSACTION 11-18-86

Bartholoma-Heer property on west side of canal	11.64	Ac.
	2.70	
	<u>0.72</u>	
	15.06	
Ray Funk Farms property on east side of canal	- <u>2.00</u>	
	13.06	
 R.F. Farms purchase 4,6084 Ac. @ \$1200/Ac. = \$5530	- <u>4.6084</u>	
Gift balance of property on west side of canal	8.4516	Ac.

Result: Ray Funk Farms owns all property west of canal and south of the E.W. centerline of Section 19.

Bartholoma-Heer Co-ownership owns all property east of canal and south of the E.W. centerline of section 19.

MICROFILMED
MAY 21 1988

HARPER - LEAVITT ENGINEERING, INC.

PROFESSIONAL ENGINEERS & LAND SURVEYORS

800 W. Judicial • P.O. Box 866

Blackfoot, Idaho 83221

(208) 785-2977



ANYONE MAKING CHANGES IN THE FOLLOWING DESCRIPTION ASSUMES FULL RESPONSIBILITY FOR THE ENTIRE CONTENTS. THERE HAS BEEN NO SEARCH ON SAID DESCRIPTION FOR ENCROACHMENTS EITHER PHYSICAL OR WRITTEN EXCEPT FOR THOSE AS SHOWN ON THE ACCOMPANYING PLAT, (IF PLAT IS REQUIRED) THEREFORE WE ASSUME NO RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS HEREIN.

FOR: Leo Heer

JOB NO. 86130

KHL

10-21-86

* Revised: 11-4-86

* Revised: 11-20-86

RAYMOND FUNK

Part of Section 19, Township 6 South, Range 31 East, B.M. Bingham County, Idaho described as:

Commencing at the S.W. corner of said Section 19 and running thence N 89° 47' 00" E 2048.97 feet along the section line to the center line of the High Line Canal; thence along said center line the following ten (10) courses: N 69° 59' 02" E 573.99 feet; thence N 41° 47' 25" W 389.99 feet; thence N 20° 17' 25" W 203.39 feet; thence N 1° 42' 21" W 331.04 feet; thence N 24° 23' 26" W 444.90 feet; thence N 33° 45' 26" W 320.90 feet; thence N 77° 08' 09" W 418.38 feet; thence N 29° 12' 32" W 361.72 feet; thence N 25° 16' 28" E 299.83 feet; thence N 13° 58' 04" E 319.38 feet to the end of said centerline; thence N 89° 34' 49" E 888.29 feet; thence N 0° 18' 11" E 2694.94 feet to the North 1/4 corner of said Section 19; thence S 89° 38' 12" W 2471.89 feet along the section line to the N.W. corner of said Section 19; thence S 0° 40' 09" E 2681.35 feet along the section line to the West 1/4 corner of said Section 19; thence S 0° 40' 09" E 2683.33 feet along the section line to the point of beginning.

Parcel contains 271.31 acres and is subject to the county road right-of-ways along the west and north sides.

SEC 19 Has only 46 acres
MICROFILMED
MAY 27 1986

HARPER - LEAVITT ENGINEERING, INC.

PROFESSIONAL ENGINEERS & LAND SURVEYORS

800 W. Judicial • P.O. Box 866
Blackfoot, Idaho 83221
(208) 785-2977



ANYONE MAKING CHANGES IN THE FOLLOWING DESCRIPTION ASSUMES FULL RESPONSIBILITY FOR THE ENTIRE CONTENTS. THERE HAS BEEN NO SEARCH ON SAID DESCRIPTION FOR ENCROACHMENTS EITHER PHYSICAL OR WRITTEN EXCEPT FOR THOSE AS SHOWN ON THE ACCOMPANYING PLAT, (IF PLAT IS REQUIRED) THEREFORE WE ASSUME NO RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS HEREIN.

FOR: Leo Heer

JOB No. 86130

KHL

10-21-86

* Revised: 11-4-86

* Revised: 11-20-86

BARTHOLOMA-HEER

Part of Section 19, Township 6 South, Range 31 East, B.M. Bingham County, Idaho described as:

Beginning at a point on the west right-of-way line of Old Highway No. 39 that is S 89° 38' 12" W 50.00 feet along the section line from the N.E. corner of said Section 19 and running thence S 0° 40' 29" E 5377.37 feet along said west right-of-way line; thence S 89° 47' 00" W 2902.37 feet along the south line of said Section 19 to the center line of the High Line Canal; thence along said center line the following ten courses: N 69° 59' 02" E 573.99 feet; thence N 41° 47' 25" W 389.99 feet; thence N 20° 17' 25" W 203.39 feet; thence N 1° 42' 21" W 331.04 feet; thence N 24° 23' 26" W 444.90 feet; thence N 33° 45' 26" W 320.90 feet; thence N 77° 08' 09" W 418.38 feet; thence N 29° 12' 32" W 361.72 feet; thence N 25° 16' 28" E 299.83 feet; thence N 13° 58' 04" E 319.38 feet to the end of said centerline; thence N 89° 34' 49" E 888.29 feet; thence N 0° 18' 11" E 2694.94 feet to the North line of said Section 19; thence N 89° 38' 12" E 2478.85 feet along the section line to the point of beginning.

Parcel contains 339.15 acres and is subject to the county road right-of-ways along the north and south sides.

SEC. 19 Has only 610.46 acres.

MICROFILMED

MAY 27 1989

356792

BLACKFOOT, IDAHO
FEB 20 1986

1986 DEC 23 PM 4:13

GRANT DEEDL. R. Heer
RECORDED AT THE REQUEST OF

FOR VALUE RECEIVED, JOHN BARTHOLOMA, a single man, of Rt. #1, Box 67, Aberdeen, Idaho 83210; LEO R. HEER and VALENE T. HEER, husband and wife; RAY W. HEER and CLARA MARIE HEER, husband and wife; and JAMES C. HEER and MARCIA HEER, husband and wife, c/o Leo R. Heer, 575 W. Main St., Rexburg, Idaho 83440, ("Grantors"), do hereby GRANT, BARGAIN, SELL, and CONVEY that part of the herein described property with legal title in Grantors, and to eliminate any doubtful claim, do hereby REMISE, RELEASE, and forever QUITCLAIM the balance of the herein described property, unto RAYMOND F. FUNK and BETTY L. FUNK, husband and wife, Rt. #1, Box 77, Aberdeen, Idaho 83210, ("Grantee") the following described real property in Bingham County, State of Idaho, to-wit:

Part of Sec. 19, Twp. 6 S., Rge. 31 E., Boise Mer. Bingham County, Idaho described as:

Commencing at the S.W. corner of said Section 19 and running thence N. 89°47'00" E. 2048.97 feet along the section line to the center line of the High Line Canal; thence along said center line the following ten (10) courses: N. 69°59'02" E. 573.99 feet; thence N. 41°47'25" W. 389.99 feet; thence N. 20°17'25" W. 203.39 feet; thence N. 1°42'21" W. 331.04 feet; thence N. 24°23'26" W. 444.90 feet; thence N. 33°45'26" W. 320.90 feet; thence N. 77°08'09" W. 418.38 feet; thence N. 29°12'32" W. 361.72 feet; thence N. 25°16'28" E. 299.83 feet; thence N. 13°58'04" E. 319.38 feet to the end of said centerline; thence N. 89°34'49" E. 888.29 feet; thence N. 0°18'11" E. 2694.94 feet to the North ¼ corner of said Section 19; thence S. 89°38'12" W. 2471.89 feet along the section line to the N.W. corner of said Section 19; thence S 0°40'09" E. 2681.35 feet along the section line to the West ¼ corner of said Section 19; thence S. 0°40'09" E. 2683.33 feet along the section line to the point of beginning.

Parcel contains 271.31 acres and is subject to the county road right-of-ways along the west and north sides.

MICROFILMED

MAR 27 1986

TOGETHER With any and all improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

THE PROPERTY with legal title in Grantors, which is granted herein to Grantees, is those parts of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 19, Twp. 6 S., Rge. 31 E., Boise Mer., lying West of the centerline of the High Line Canal.

THE CONSIDERATION for this deed is the exchange of like kind property from Grantee to Grantors and the payment of boot in the amount of \$5,530.00 by Grantee to Grantors, receipt of which is hereby acknowledged.

DATED This 23rd day of December, 1986.

John Bartholoma
John Bartholoma

Leo R. Heer 12-22-86
Leo R. Heer

Valene T. Heer
Valene T. Heer

Ray W. Heer 12-13-86
Ray W. Heer

Clara Marie Heer 12-13-86
Clara Marie Heer

James C. Heer
James C. Heer

Marcia Heer (Marcia C. Heer)
Marcia Heer

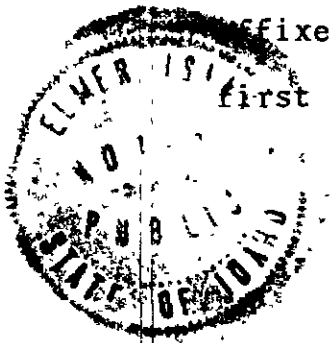
STATE OF IDAHO,)
 ss.
County of Bingham.)

On this 23rd day of December, 1986, before me, the undersigned, a Notary Public in and for said State, personally

MICROFILMED

appeared John Bartholoma, a single man, known to me to be the person, whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

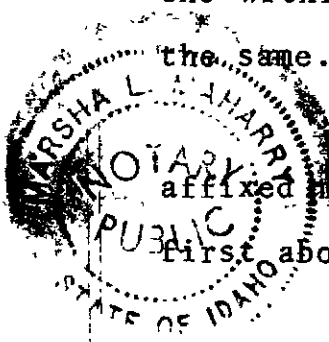
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Elmer L. Smith
Notary Public for Idaho
Residing at: *Aberdeen, Idaho*
My Commission Expires: *12/8/92*

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 22nd day of December, 1986, before me, the undersigned, a Notary Public in and for said State, personally appeared Leo R. Heer and Valene T. Heer, husband and wife, known to me to be the persons, whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

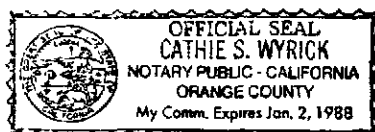
Marsha L. Maharry
Notary Public for Idaho
Residing at: *Peyburg*
My Commission Expires: *4-10-88*

STATE OF CALIFORNIA)
 ss.
County of Orange.)

On this 17th day of December, 1986, before me, the undersigned, a Notary Public in and for said State, personally
MICROFILMED
JAN 27 1993
GRANT DEED -3-

appeared Ray W. Heer and Clara Marie Heer, husband and wife, known to me to be the persons, whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Cathie S. Wyrick
Notary Public for California
Residing at: *Santa Ana, Ca.*
My Commission Expires: *Jan. 2, 1988*

STATE OF WASHINGTON)

County of King.)
SS.

On this 16th day of December, 1986, before me, the undersigned, a Notary Public in and for said State, personally appeared James C. Heer and Marcia Heer, husband and wife, known to me to be the persons, whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Sheila M. Ais
Notary Public for Washington
Residing at: *Renton*
My Commission Expires: *5-5-88*

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FILE 22

356792

MICROFILMED

1986 DEC 23 PM 4:13

RECORDED AT THE REQUEST OF

358794

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
DEC 20 1986

1986 DEC 23 PM 4: 12

GRANT DEEDL R Heer
RECORDED AT THE REQUEST OF

FOR VALUE RECEIVED, RAYMOND F. FUNK and BETTY L. FUNK, husband and wife, Rt. #1, Box 77, Aberdeen, Idaho 83210, ("Grantor"), do hereby GRANT, BARGAIN, SELL, and CONVEY that part of the herein described property with legal title in Grantor, and to eliminate any doubtful claim, do hereby REMISE, RELEASE, and forever QUITCLAIM the balance of the herein described property, unto JOHN BARTHOLOMA, a single man, of Rt. #1, Box 67, Aberdeen, Idaho 83210; LEO R. HEER and VALENE T. HEER, husband and wife; RAY W. HEER and CLARA MARIE HEER, husband and wife; and JAMES C. HEER and MARCIA HEER, husband and wife, c/o Leo R. Heer, 575 W. Main St., Rexburg, Idaho 83440, ("Grantees") the following described real property in Bingham County, State of Idaho, to-wit:

Bartholoma - Heer, Form

Part of Sec. 19, Twp. 6 S., Rge. 31 E., Boise Mer. Bingham County, Idaho described as:

Beginning at a point on the west right-of-way line of Old Highway No. 39 that is S. 89°38'12" W. 50.00 feet along the section line from the N.E. corner of said Section 19 and running thence S. 0°40'29" E. 5377.37 feet along said west right-of-way line; thence S. 89°47'00" W. 2902.37 feet along the south line of said Section 19 to the center line of the High Line Canal; thence along said center line the following ten courses: N. 69°59'02" E. 573.99 feet; thence N. 41°47'25" W. 389.99 feet; thence N. 20°17'25" W. 203.39 feet; thence N. 1°42'21" W. 331.04 feet; thence N. 24°23'26" W. 444.90 feet; thence N. 33°45'26" W. 320.90 feet; thence N. 77°08'09" W. 418.38 feet; thence N. 29°12'32" W. 361.72 feet; thence N. 25°16'28" E. 299.83 feet; thence N. 13°58'04" E. 319.38 feet to the end of said centerline; thence N. 89°34'49" E. 888.29 feet; thence N. 0°18'11" E. 2694.94 feet to the North line of said Section 19; thence N. 89°38'12" E. 2478.85 feet along the section line to the point of beginning.

Parcel contains 339.15 acres and is subject to the county road right-of-way along the north and south sides

DEC 22 1986

TOGETHER With any and all improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

THE PROPERTY with legal title in Grantor, which is granted herein to Grantees, is that part of SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 19, Twp. 6 S., Rge. 31 E., Boise Mer., lying East of the centerline of the High Line Canal.

THE CONSIDERATION for this deed is the exchange of like kind property.

IT IS UNDERSTOOD that the ownership interests of Grantees in and to the property included in this deed are as follows:

(1) As to that part of the property lying North of the centerline of Sec. 19, Twp. 6 S., Rge. 31 E., Boise Mer.:

Ray W. Heer and Clara Marie Heer, husband and wife; Leo R. Heer and Valene T. Heer, husband and wife; and James C. Heer and Marcia Heer, husband and wife, each own an undivided one-third ($\frac{1}{3}$) interest; provided, however, that John Bartholoma has the right to receive during his lifetime one-half ($\frac{1}{2}$) of the income.

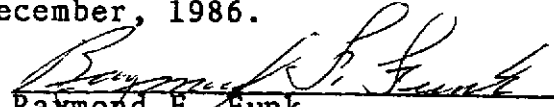
(2) As to that part of the property lying South of the centerline of Sec. 19, Twp. 6 S., Rge. 31 E., Boise Mer.:

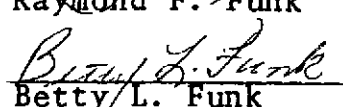
John Bartholoma owns an undivided one-half ($\frac{1}{2}$) interest; Ray W. Heer, Leo R. Heer, and James C. Heer, each own as his sole and separate property and with rents, issues and profits his sole and separate property, an undivided one-sixth ($\frac{1}{6}$) interest.

MICROFILMED

MAY 27 1988

DATED This 23rd day of December, 1986.


Raymond F. Funk


Betty L. Funk

STATE OF IDAHO,)
 ss.
County of Bingham.)

On this 23rd day of December, 1986, before me, the undersigned, a Notary Public in and for said State, personally appeared Raymond F. Funk and Betty L. Funk, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for Idaho
Residing at: Abandon, Idaho
My Commission Expires: 12/8/92

MEMORANDUM

DATE: January 22, 1999

TO: Water Right File 35-08197

FROM: Shelley W. Keen *SWK*

RE: Place of use description

Last week Ray Funk came into the office to talk about the place of use description on water right license 35-08197. According to Mr Funk the irrigated land does not include any portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ or SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19 as reported by the examiner and licensed. The map prepared by the Adjudication Bureau appears to corroborate Mr. Funk's position. Mr Funk is concerned that his neighbor who owns the NW $\frac{1}{4}$ NE $\frac{1}{4}$ or SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19 will claim ownership to 5 acres of Mr Funk's water right. Mr Funk and I agreed that if he will send me a copy of his warranty deed, I will try to help him find a way to address the issue.

MICROFILMED

MAY 27 1999



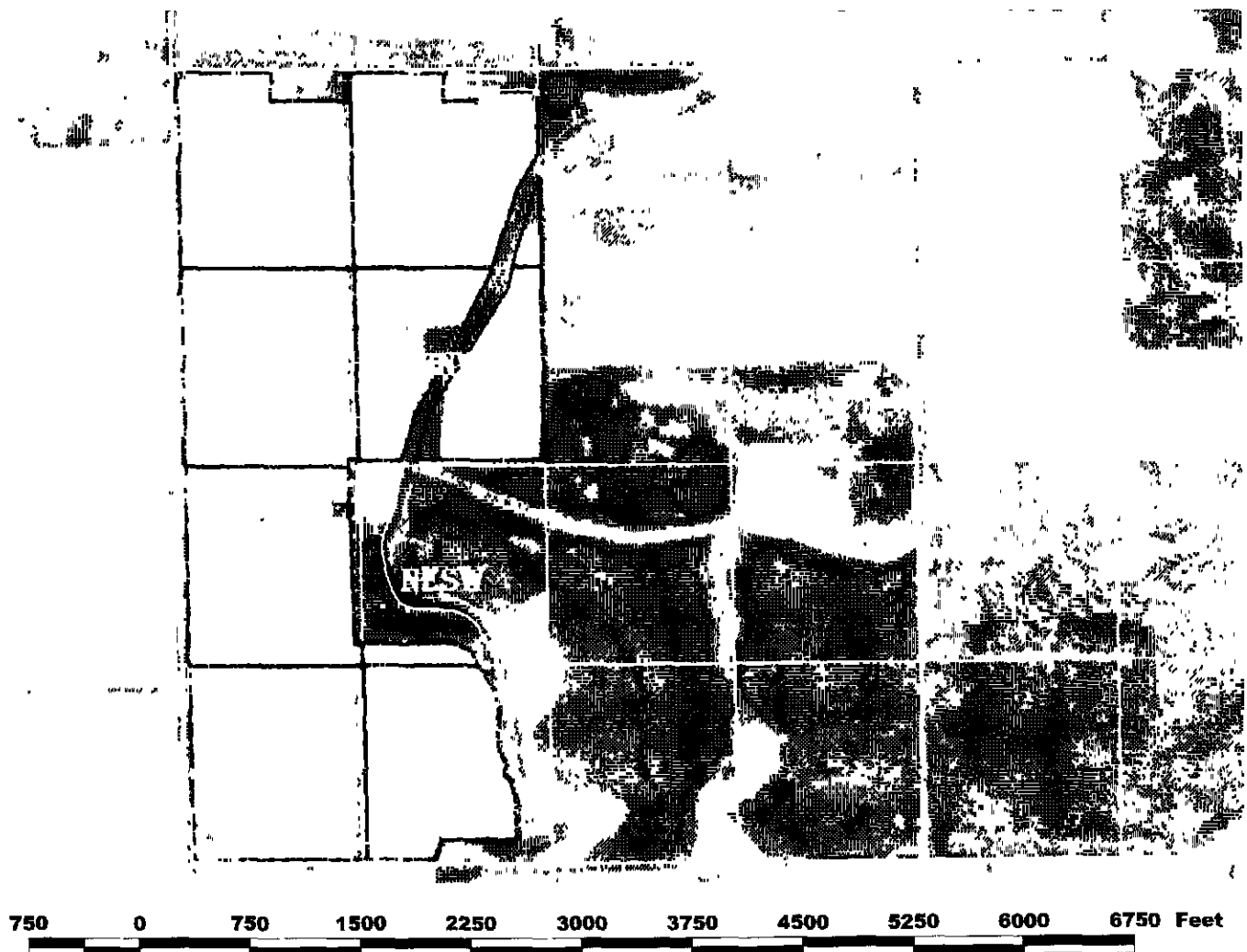
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Raymond Funk

Water Right(s): 35-02306



LEGEND



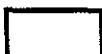
Point of Diversion

SESE

Place of Use



Section Line



Quarter-section line

Legal Description: T.6S., R.31E.

Sec. 19 W2W2, (parts of) E2NW, E2SW

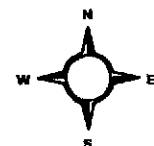
Point(s) of Diversion: T.6S., R.31E.,

Sec. 19 NENWSW

Note: Non-Adjudication water right

35-08197 is also appurtenant to this

same Place of Use.



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: October 1998

MAY 27 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 12, 1995

BETTY FUNK
RAYMOND FUNK
2066 S 2950 W
ABERDEEN ID 83210

RE: WATER RIGHT NO. 35-08197

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment.

Should you have any questions regarding these documents, please contact me.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECORDED
JUL 19 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 16, 1995

BETTY FUNK
RAYMOND FUNK
2066 S 2950 W
ABERDEEN ID 83210

RE: WATER RIGHT NO. 35-08197

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the place(s) of use description. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECORDED
JUL 19 1995

LICENSE REVIEW
Cindy Zimmerman

Permit #: 35-8197 Name: Funk Date: 6/13/95
App Rcd 7/7/83 Priority 7/7/83 Examined 7/9/91 ✓ Lots ✓

NAME Chng OK ✓ Or Address Change?

SOURCE ✓ Clarify source _____
_____ Prelim. Order to Void - Source change.

P/D ✓ Amendment Needed? _____ -P39, P38
Overlap(s) 35-2306

P/U ✓ Amendment Needed? add NONE & SUNE Reduce ^{1/4} of ~~35-2306~~, add govt lots -P41, P38
Overlap(s) 35-2306 (partial) (this permit covers all of 35-2306 plus 49A)
*P/D & P/U Amend? P37, P38
(See paragraph list for governmental agencies)

RATE ✓ Permit/fee limits: 3.06 / 3.06
Measured ^{capacity} Q = 3.94 cfs Theoretical Q = 3.89 cfs
Measured with annubar 3.94 cfs - 2.54 cfs = 1.40 cfs (available)
(HP) $\frac{8.8 \times 0.70 \times 150}{71 + (2.31 \times 72)} = \frac{924}{237.32} = 3.89 \text{ cfs}$
Recommended rate 1.40 cfs

VOLUME ✓ Season of Use: (C) 4/1-10/31 = 214 days
Calculations: $249A \times 4.0 \text{ AFA} = 996.0 \text{ AFA} - 996.0 \text{ AFA} = 0.0 \text{ AFA} = 99\% \text{ AFA}$
(no volume identified on 35-2306)
Flow limit: $1.40 \times 214 \times 1.9835 = 594.3 \text{ AF}$
Recommended volume 594.3 AF

USES ✓ Same Nature of Use? _____ -P46
_____ Amendment Needed? _____

REMARKS _____ Multiple p/d's in 1/4?
WBO Irrigation water overlap (WB3) (If gw use sw)
35-2306 / 3.94 cfs / 996.0 AF / 249 A.

CONDITIONS _____ Measuring (R01)/Locking (R02) Devices
_____ Watermaster Control (R04) - WD # _____
R31, 803 Irrigation rate/volume overlap
_____ Water Quality/Other

PRIORITY due 2/1/91 Correct fee? Yes/No Receipt # 00019096 12/10/90
Order to Reinstate Needed? Yes/NO Done? _____
Advance(d)? Yes/No Advance(d) to: _____
G amend plus to include NONE (2A) & SUNE (3A)

COMMENTS: @ add govt lots, limited by capacity, volume limited by rate.

RECOMMENDED	CFS	DIV VOL	Adjustment Memo
<u>1rr / 249A</u>	<u>1.40</u>	<u>594.3</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>TOTAL</u>	<u>1.40</u>	<u>594.3</u>	<u>_____</u>

~~_____~~
#1 AMEND LTR: P46 or
P39/P41/P37 & P38
#2 AMEND LTR: P42/P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 02 1995
Dep. of Water Resources

A. GENERAL INFORMATION

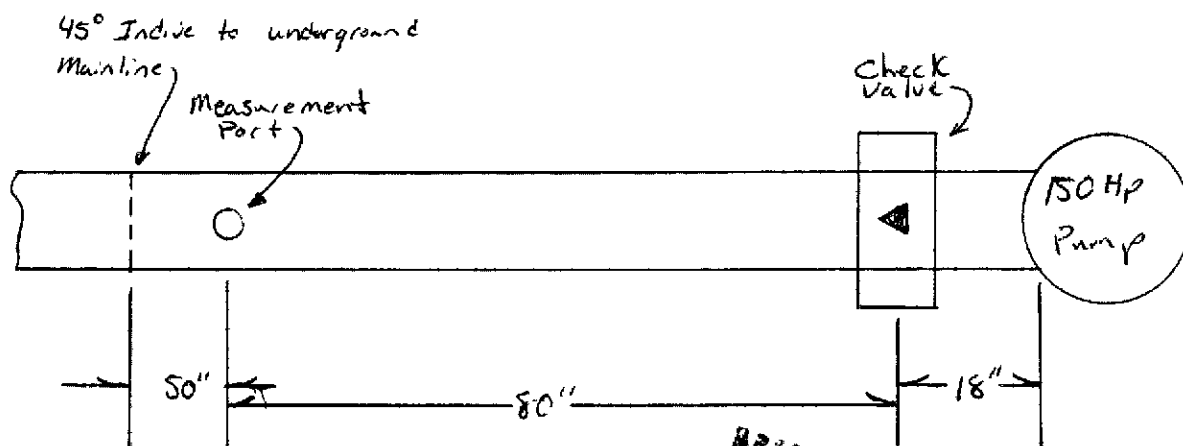
1. Owner: Betty Funk Raymond Funk Permit No. 35-8197
Current Address: 21665 2950 W. Aberdeen, Id 83210 Phone No. 397-4506
2. Accompanied by: Raymond Funk EXAM DATE 7-9-91
Address: Same Phone No. 397-4506
Relationship to Permit Holder: Owner
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1 Other water rights with same place of use 35-2306 ☐ Copies Attached
2 Other water rights with same point of diversion: 35-2306 ☒ Copies Attached ☒ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required)
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater.)
☒ Aerial Photo Attached (required for irrigation of 10 acres or more).

RECEIVED
JUL 19 1995

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc)

150 hp pump to 10" to 45" Indiv to main line, to 11- $\frac{1}{4}$ "
25 bird wheel lines with $\frac{5}{32}$ nozzles putting out approx. 6
gpm

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	US Electric	150	C2688-01-271-3	Berkley	#7220426

*Code to correspond with No. on map and aerial photo

5 Point(s) of Diversion:

[illegible]

Indicate Method of Determination.

6 Place(s) of Use:

[illegible]

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Flow meter station	Annubar	Dieterich	7517-316-SS	191146	10.02	—
Flow Indicator	Manometer	T.D.W.R.	—	—	1/2"	—
Pressure Gauge	Fluid	Rainbird	—	RBG-L160PB	0-160	—
Olympic well probe	Olympic	—	—	—	500'	—

2. Measurements:

(71' Dynamic pumping level) (72 psi operating pressure)

$$\frac{150 \text{ HP} (8.814)(.7)}{71' \text{ Head} + (72 \text{ psi} \times 2.308)} = \boxed{1748.1 \text{ gpm}}$$

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method: Annubar measurement = 3.94 cfs

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x 0.01732 = _____ (6)

Panel Input HP (6) x 1.34 = _____ (7) Efficiency (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 249 \text{ acres} \times 4 \text{ af/a} = 996 \text{ af}$

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.40 \times 214 \times 1.9835 = 594.3$

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 594.3 \text{ af}$

2. Volume Calculations for Other Uses

RECEIVED
JUL 19 1995

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (af)
Irrigation	4-1 10-31	1.40	594.3

2 Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
- ☐ Change P.U. as reflected above ☒ Add P.U. as reflected above ☐ Other

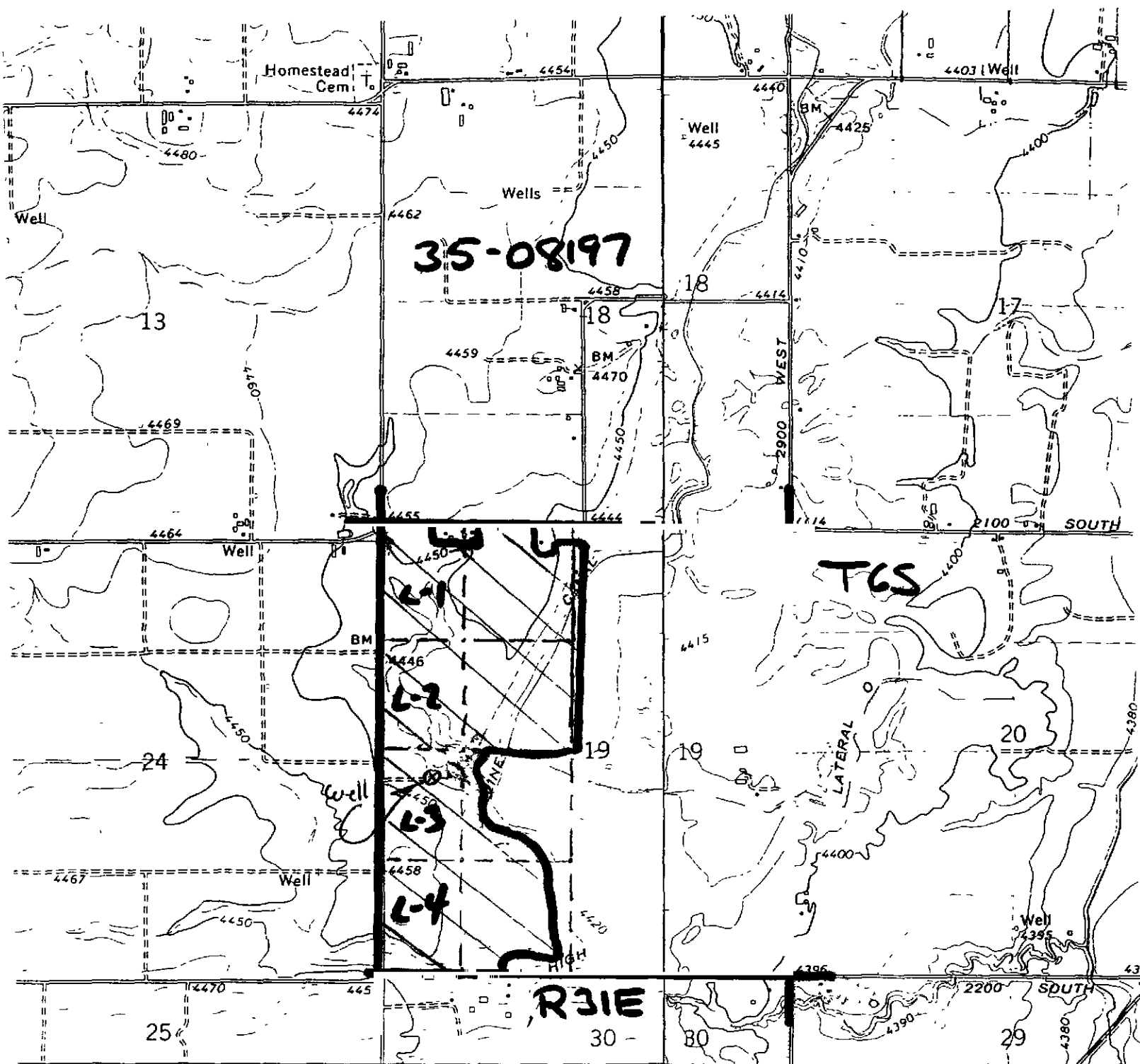
J. AUTHENTICATION

Field Examiner's Name Gary Bass Signature [Signature]
Certification Date _____
Field Report Preparation Date _____

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

JUL 19 1995
[Stamp]



345000m E. • • INTERIOR—GEOLOGICAL SURVEY, WASHINGTON, D.C.—1974

R 30 E R 31 E

ROAD CLASSIFICATION

Primary highway,
hard surface

Light-duty road, hard or
improved surface

Secondary highway,
hard surface

Unimproved road



Interstate Route



U.S. Route



State Route

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial
photographs taken 1969. Field checked 1971

Underwater contours by U. S. Bureau of Reclamation

Projection and 10,000-foot grid ticks: Idaho coordinate
system, east zone (transverse Mercator)

1000-meter Universal Transverse Mercator grid ticks,
zone 12, shown in blue. 1927 North American datum

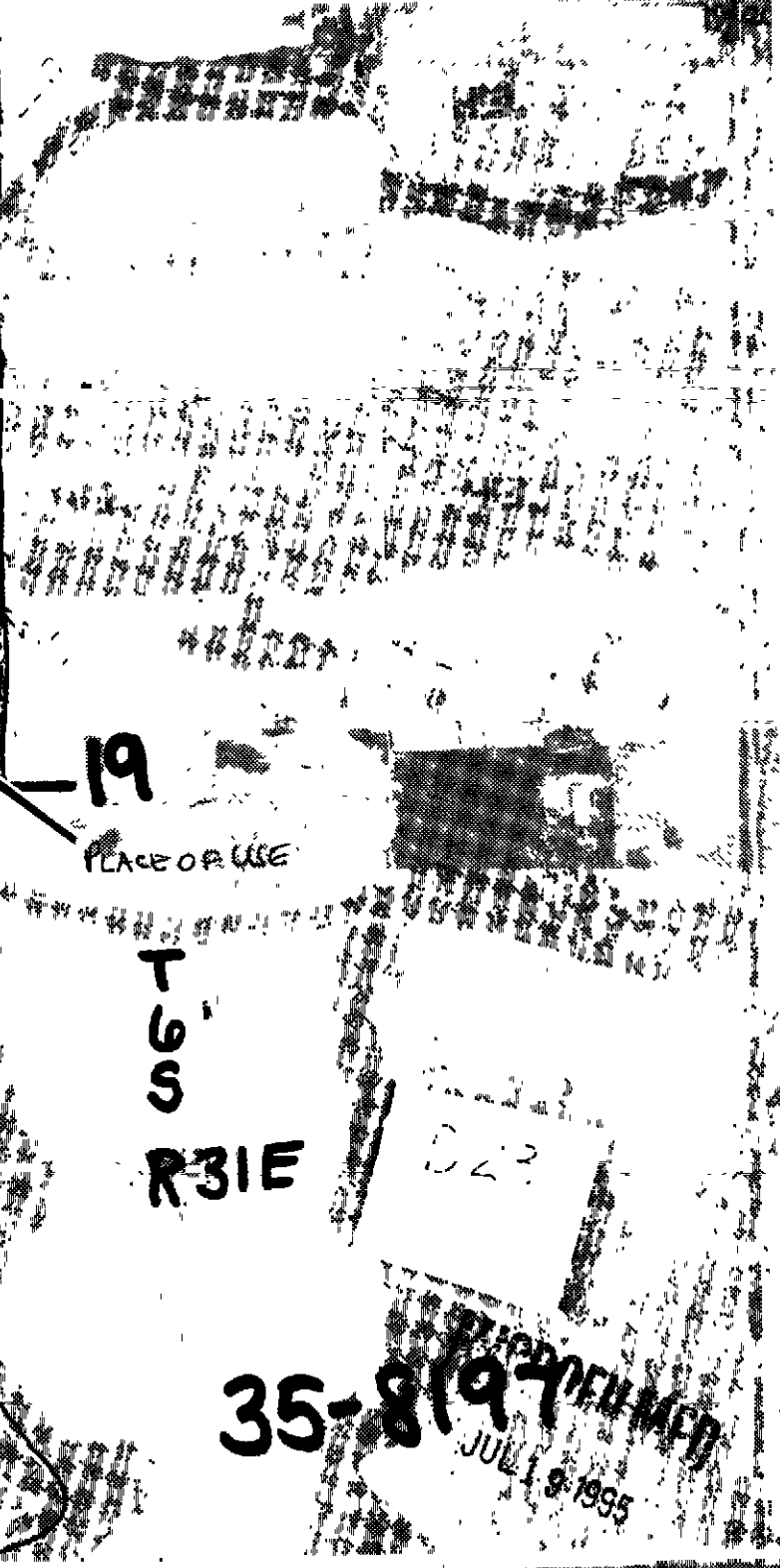
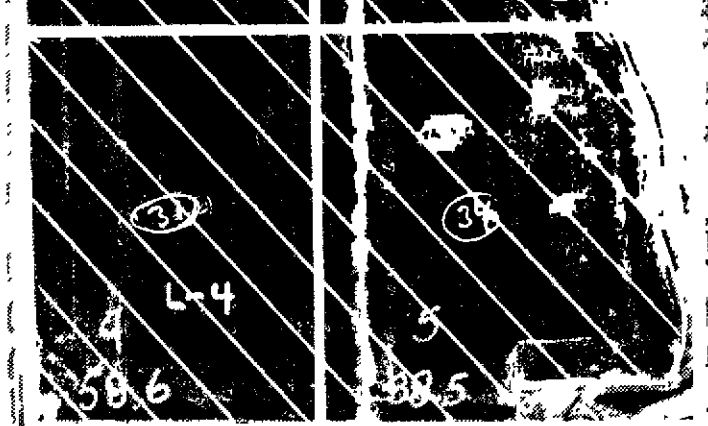
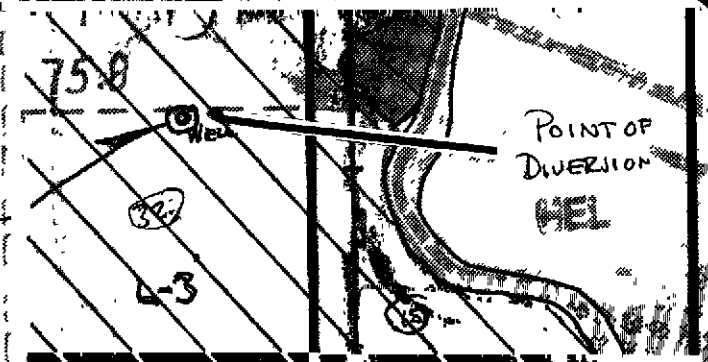
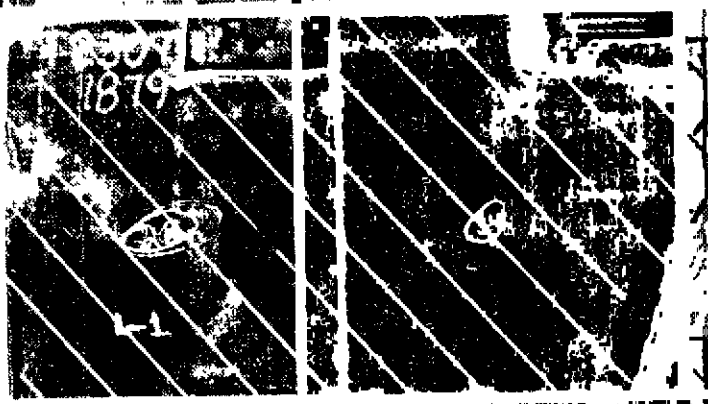
Fine red dashed lines indicate selected fence lines

AMERICAN FALLS NW, IDAHO

NW/4 AMERICAN FALLS 15' QUADRANGLE

35-8197

Controlled by the Geological



35-00197

35-8197

[REDACTED]

[REDACTED]

[REDACTED]

35-8197
JUL 19 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
POINT OF DIVERSION OVERLAP REVIEW

35-08197
Permit Number

1. Analysis of Entire System, Current Application Rate per Acre (Qc):
Limit to 0.02 cfs/ac, Permitted Amount, or System Capacity, Whichever is Less.

A. Total Number of Acres irrigated = 249 acres

B. Total Diversion Rate = 3.94 cfs

Qc = Total Diversion rate [1.B]/Total irrigated acres [1.A]

$$= \frac{3.94 \text{ cfs}}{249 \text{ acres}} = 0.0158 \text{ cfs/ac}$$

2. Old Application Rate per Acre (Qo) from Licensed Flow Rates:

License # 35-02306 @ 2.54 cfs / 200 ac

License # _____ @ _____ cfs / _____ ac

License # _____ @ _____ cfs / _____ ac

$$Qo = \text{Total Licensed Rate} = \frac{2.54 \text{ cfs}}{200 \text{ ac}} = 0.0127 \text{ cfs/ac}$$

(Old Diversion Rate(Qo) = Licensed Flow Rate/# acres)

3. Comparison of Diversion Rates if:

A. Old Diversion Rate(Qo) > New Diversion Rate(Qc) : **EXCLUDE** Licensed Lands.

$$Qo(\#2) = \text{_____} > Qc(\#1) = \text{_____} \quad \text{GO TO ITEM \#4A.}$$

B. New Diversion Rate(Qc) > Old Diversion Rate(Qo) : **INCLUDE** Licensed Lands.

$$Qc(\#1) = 0.0158 > Qo(\#2) = 0.0127 \quad \text{CONTINUE TO ITEM \#3.B.1}$$

1. Additional Flow Rate for Licensed Lands.

$$Qa = (Qc - Qo) \times (\# \text{ Lic. Ac.}) = [(0.0158 \text{ cfs/ac}) - (0.0127 \text{ cfs/ac})] \times (200 \text{ acres}) = 0.62 \text{ cfs}$$

2. Flow Rate for New Acreage. Total acres(#1.A) - Licensed acres(#3) = New Acres
(249) - (200) = 49 acres

$$Qn = (Qc) \times (\# \text{ New Ac.}) = (0.0158 \text{ cfs/ac}) \times (49 \text{ ac}) = 0.774 \text{ cfs}$$

GO TO ITEM #4B.

4. Calculate Total Flow Rate to be licensed:

A. Flow Rate excluding licensed land. Total Acres(#1.A) - Lic. Acres(#3) = New Acres
(249) - (200) = 49 ac

$$Qt = Qc(\#1) \times (\# \text{ New Acres}) = \text{_____} \text{ cfs/ac} \times \text{_____} \text{ ac} =$$

$$Qt = \text{_____} \text{ cfs}$$

CONDITIONS/REMARKS: _____

- B. Flow Rate including licensed land.

$$Qt = Qa(\#3.B.1) + Qn(\#3.B.2) = 0.624 \text{ cfs} + 0.775 \text{ cfs} = 1.399 \text{ cfs}$$

$$Qt = 1.40 \text{ cfs}$$

CONDITIONS/REMARKS: _____

JUL 19 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Gray Date 7-9-91
Owner: Raymond Funk Permit No. 35-8-197

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = 31.4
T = Pipe Thickness in Inches = .135
ID = $2 [(0.1592 \times CIR) - T] = \dots\dots\dots 9.73$

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 10.02
State ID No. 91417

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	<u>3.94</u>
12"	3.99
14"- 16"	4.01
18"- 24"	4.02
30" or larger	4.03

C selected 3.94

DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)

High Reading = 56.3
Low Reading = 27.8
High - Low = H = 22.5

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 (\sqrt{H}) (C)}{448.8}$$

$$Q = \frac{(9.73)^2 (\sqrt{22.5}) (3.94)}{448.8} = 3.94 \text{ cfs}$$

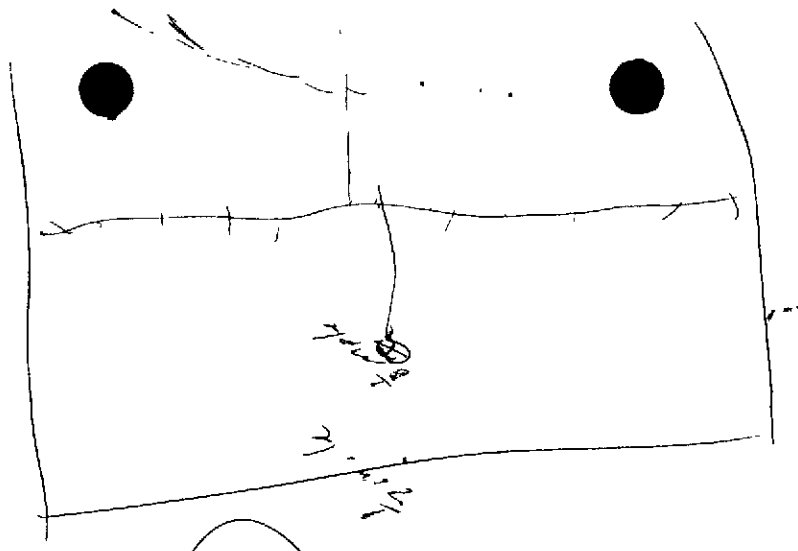
SKETCH (If not shown on Field Report)

72 PSI
70' D.P.D.
1733.5 gpm
11-1/4" 28 b rds 8/32

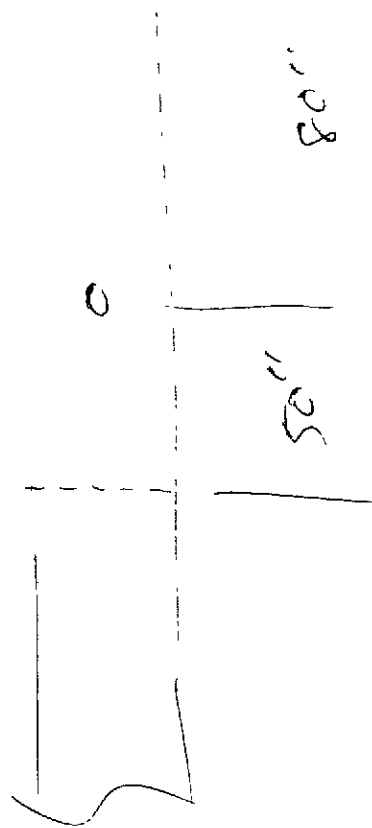
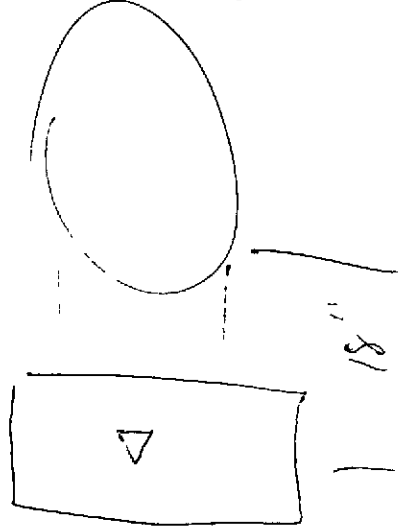
250 ac
230 ac

1769.3 gpm

JUL 19 1995



JUL 19 1995



80"

150 HP US Electric # C2688-01-271-J
Berkeley # 7220426

December 28, 1990

BETTY FUNK
RAYMOND FUNK
2066 S. 2950 W.
ABERDEEN, ID 83210

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08197

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECORDED

JAN 2 5 1991

138601

November 30, 1990

BETTY FUNK
RAYMOND FUNK
2066 S. 2950 W.
ABERDEEN, ID 83210

PROOF DUE NOTICE

RE: PERMIT NO. 35-08197

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

RECEIVED
NOV 30 1990

11/30/90

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
January 8, 1990

BETTY FUNK
RAYMOND FUNK
2066 S. 2950 W.
ABERDEEN, ID 83210

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P35-08197

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

RECORDED

FEB 14 1990

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

FILED

1969

MEMORANDUM

TO: File No. 35-8197
FROM: Gary Spackman *Gary*
DATE: December 28, 1989 *27*

I have reviewed the information submitted under Rule 4,5,3. of the Water Appropriation Rules and Regulations and find that the applicant has submitted sufficient information to satisfy the rules.

RECEIVED

FEB 14 1990

The image is a severely degraded scan of a document page. It is characterized by a dense field of black noise, white specks, and numerous scratches. Faint, illegible text is visible through the noise, particularly in the upper and lower portions. A small, light-colored, irregular mark is visible near the center-right of the page.

State Rock Mountain Engineering

September 28, 1989

RECEIVED

OCT - 2 1989

Department of Water Resources
Eastern District Office

Raymond or Betty Funk
2066 S. 2950 W.
Aberdeen, Idaho 83210

State of Idaho
Department of Water Resources
Harold W. Jones
Water Resource Supervisor
150 Shoup Ave., Suite 15
Idaho Falls, ID 83402

Re: Applic./Permit #35-8197

Dear Mr. Harold W. Jones,

In regard to your letter requesting further information as per the attached sheets, will answer these to the best of my knowledge.

4,5,3,1,2. Enclosed find plat map marked with existing wells within 1/2 mile of the irrigation well.

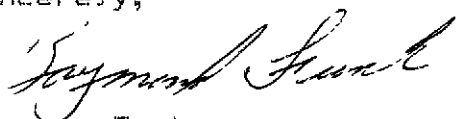
4,5,3,1,3. Pump on existing well runs 14 wheel lines w/5/32" nozzles. Water used for irrigation only.

4,5,3,2,1. Rate flow is constant at 1" per acre or 3.06 cfs as stated on the original application for permit.

4,5,3,2,2. No information available.

If you need any further clarification will try to comply.

Sincerely,



Raymond Funk

Encls.

RECEIVED

FEB 14 1990

which to submit the information upon request by the applicant and upon a showing of good cause.

Failure to submit the required information within the time period allowed will be cause for the director to void an application or to advance the priority of a permit being reprocessed by the number of days that the information submittal is late. The director will provide opportunity for hearing as provided in Section 42-1701A, Idaho Code.

- 4,5,2. For protested applications or protested permits being reprocessed, the information required by Rule 4,5,3. may be requested by the director to be submitted within 30 days after notification by the director, may be made a part of the record of the hearing held to consider the protest, or may be made available in accordance with any pre-hearing discovery procedures.

Failure to submit the required information within the time period allowed will be cause for the director to void an application or to advance the priority of a permit being reprocessed by the number of days that the information submittal is late.

- 4,5,3. Information to be submitted

The following information shall be submitted for applications to appropriate unappropriated water or trust water and for permits being reprocessed for trust water. The additional information submittal requirements of this rule are waived for filings which seek to appropriate five (5) cfs or less or storage of five hundred acre-feet (500 A-F) or less and for filings seeking reallocation of trust water which the director determines will reduce the flow of the Snake River measured at Murphy Gauge by not more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than 200 acres will be irrigated. However, the director may specifically request submittal of any of the following information for any filing, as he determines necessary.

- 4,5,3,1. Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:
- 4,5,3,1,1. For applications appropriating springs or surface streams with 5 or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.
- 4,5,3,1,2. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all

existing wells and springs and permitted wells within a one-half mile radius of the proposed well.

- 4,5,3,1,3. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.
- 4,5,3,2. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:
 - 4,5,3,2,1. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.
 - 4,5,3,2,2. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for ground-water sources, and information on other sources of supply that may be used to supplement the applied for water source.
- 4,5,3,3. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:
 - 4,5,3,3,1. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.
 - 4,5,3,3,2. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.
- 4,5,3,4. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:
 - 4,5,3,4,1. The applicant shall submit a current financial statement certified to show the accuracy of the information contained

FEB 14 1990

August 9, 1989

Raymond or Betty Funk
2066 S. 2950 W.
Aberdeen, ID 83210

RE: Application for Permit No. 35-8197

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Morning News. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECORDED

FEB 14 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 8, 1989

THE MORNING NEWS
P.O. BOX 70
BLACKFOOT, ID 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 4, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED

FEB 14 '90

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

1. [illegible]

2. [illegible]

3

35-08197

FUNK, BETTY
FUNK, RAYMOND
2066 S. 2950 W.
ABERDEEN, ID 83210

Source: GROUNDWATER

Diversion Pt: NENWSW Sec 19 T 06S R 31E

Use: IRRIGATION (3.060 CFS)

Date Filed: 7/07/1983

In: T06S R31E S19	NENW	NWNW	SWNW	SENW
	NESW	NWSW	SWSW	SESW

291.0 ACRES TOTAL

RECORDED

FEB 14 1990

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before SEPTEMBER 4, 1989.

R. Keith Higginson, Director

Published 8/17/1989 & 8/24/1989

NICK

FEB 4 1989

35-8192_

FUNK, RAYMOND

RT. 1, ABERDEEN, ID 83210

Source: GROUNDWATER

Date Filed: 07/07/1983

Diversion Pt: NWSW Sec 19 T 06S R 31E

Use: IRRIGATION (3.06 CFS)

In: NENW NWNW SWNW SENW NWSW SWSW SESW Sec 19 T 06S R 31E FOR 280 ACRES